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Assembly Proceedings

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Bengal Legislative Assembly

Fifth Session, 1939

6th, 7th, 10th, 11th, 12th and 13th July, 1939

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COVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir JOHN ACKROID WOODHEAD, K.C.S.I., C.I.E., I.C.S.

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(*4*) The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

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GOVERNMENT OF BENGAL.

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E

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F

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Fazlur Rahman, Mr. (Dacca University.)

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Muhammad Ishaque, Maulvi. [Bogra South (Muhammadan).]

Muhammad Ismail, Maulvi. [Kishoreganj South (Muhammadan).]

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Mullick, Mr. Pulin Behary. [Howrah (General).]

Mullick, Srijut Ashutosh. [Bankura West (General).]

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N

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Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. [Calcutta North (Muhammadan).]

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P

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Patton, Mr. W. C. [Darjeeling (European).]

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Pramanik, Mr. Tarinicharan. [Malda (General).]

R

Rahman, Khan Bahadur A. M. L. [Rajshahi Central (Muhammadan).]

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Roy, Mr. Kamalkrishna. [Bankura East (General).]

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S

Sadaruddin Ahmed, Mr. [Bakarganj South (Muhammadan).]
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T

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W

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Warren, Mr. P. F. S. (Bengal Chamber of Commerce.)

Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

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Yusuf Ali Choudhury, Mr. [Faridpur East (Muhammadan).]

Yusuf Mirza. [24-Parganas Central (Muhammadan).]

Z

Zahur Ahmed Choudhury, Maulvi. [Malda North (Muhammadan).]

Zaman, Mr. A. M. A. [Hooghly *cum* Serampore (Registered Factories) Labour.]

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Fifth Session.)

Volume LIV—No. 12.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 6th July, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 120 members.

Affirmation.

The member named below made the affirmation of his allegiance to the Crown:—

Mr. Atul Chandra Sen.

STARRED QUESTIONS

(to which oral answers were given)

Relief for the inhabitants of the flood-affected area of Natore subdivision, Rajshahi.

*528. **Mr. M. ASHRAFALI:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that—

(i) the inhabitants of the flood-affected area of the Natore subdivision are in great distress and in need of immediate relief; and

(ii) there is a large demand for loans to buy seeds for immediate sowing?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Subdivisional Officer, Natore, as requested the District Magistrate for any such loan?

(*c*) If so, when and for how much?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the name and area of each thana affected in the Natore subdivision; and

(*ii*) the amount asked for by the Subdivisional Officer for each such area of the thana?

(*e*) Has the Subdivisional Officer received any amount from the Government for such loans?

(*f*) If so—

(*i*) when and how much; and

(*ii*) when does the Subdivisional Officer intend to distribute the loan?

(*g*) Have the Government received any proposal from the District Board for starting test relief work in the affected area?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Some scarcity and distress are reported to be prevailing in Singra and Baraigram police-stations of Natore subdivision but the situation is not alarming and by way of relief seed loans have been granted according to requirements.

(*ii*) Yes. There was some demand for loans for purchase of seeds from the inhabitants of Singra, Baraigram, Gurudaspur and Lalpur thanas.

(*b*) and (*e*) Yes.

(*c*) A sum of Rs. 13,000 was asked for by the Subdivisional Officer on the 28th March, 1939.

	Name of police-station.	Area in square miles.
(*d*) (*i*)	Singra	... 203
	Baraigram	... 150
	Gurudaspur	... 77
	Lalpur	... 90

(*ii*) No demand was made police-station by police-station separately. The sum of Rs. 13,000 was asked for distribution as agricultural loans.

(f) (i) Rs. 13,000 on the 20th April, 1939, and Rs. 7,000 on the 23rd May, 1939.

(ii) A sum of Rs. 11,000 has been distributed up to the 29th May, 1939, and the balance is being distributed.

(g) Yes, recently a sum of Rs. 5,000 has been advanced to the District Board for test-relief works.

Mr. M. ASHRAFALI: With reference to answer (f) (ii) where it is said that "a sum of Rs. 11,000 has been distributed up to the 29th May, 1939," will the Hon'ble Minister be pleased to state since when the distribution was made?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The money was sanctioned on the 20th April and the distribution of Rs. 11,000 was completed up to 29th May. We have no up-to-date information regarding the distribution of the amount.

Mr. M. ASHRAFALI: When did the work of distribution start?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Evidently after those dates mentioned in answer (f) (i).

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় বোলেছেন—"But the situation is not alarming" মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি situation টা কি রকম অবস্থায় এলে গভর্ণমেণ্ট alarming বোলে মনে করেন?

Mr. SPEAKER: That is a matter of opinion.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (g), will the Hon'ble Minister be pleased to state whether the amount of Rs. 5,000 that has been advanced to the District Board for test relief works is in addition to Rs. 13,000 and Rs. 7,000 mentioned in answer (f) (i)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Rs. 13,000 and Rs. 7,000 are for agricultural loans and Rs. 5,000 has been advanced to the District Board for test relief works.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state what was the amount that was asked by the District Board for test relief works?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice. Speaking from memory, the full amount asked for by the District Board was sanctioned by Government.

Mr. SURENDRA MOHAN MAITRA: The whole amount?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি অনুগ্রহ কোরে বোলবেন যারা test relief work এ যেতে পারে না এবং যারা agricultural loan পায় না তাদের জন্য কি ব্যবস্থা হোয়েছে?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Gratuitous relief.

Mr. CHARU CHANDRA ROY: সে টাকার পরিমাণ কত, মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Death due to starvation in Narail subdivision, Jessore.

***530. Mr. SIBNATH BANERJEE:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that Reazuddin Mollah of village Panchuria, Union No. 11 of police-station Narail in the district of Jessore, has died due to starvation; and

(*ii*) that the Subdivisional Officer was informed by a letter on the 17th March, that Reazuddin Mollah was passing his days in starvation for want of food?

(*b*) If the reply to (*a*)(*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state what step did the Subdivisional Officer take in the matter?

(*c*) Is the Hon'ble Minister aware that many people in the subdivision of Narail are passing their days with one meal and some times without any meal whatsoever?

(*d*) Are the Government considering the desirability of granting special help for the distressed localities?

(*e*) Is the Hon'ble Minister aware that on the 5th of June a letter was addressed to the Chief Minister narrating the death of the said Reazuddin Mollah?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) No. He died a natural death due to continuous illness and attack of asthma.

(*ii*) No.

(*b*) Does not arise.

(c) No. By the sale of *rabi* crops which yielded a good harvest in Narail and by the sale of vegetables, fruits, etc., the people are earning money. In some places *boro* paddy has been harvested and the harvesting of *Jagli aus* is also going on. The situation is not considered to be as gloomy as depicted.

(d) Rs. 1,60,000 as agricultural loan and Rs. 8,000 as gratuitous relief have been allotted. The distribution of agricultural loan and gratuitous relief is still going on and test relief works have also been started with Government grant.

(e) Yes, but the statement made therein does not appear to be correct.

*531. **Mr. CIASUDDIN AHMED:** (a) Is the Hon'ble Minister in charge of the Revenue Department aware—

(i) that Reazuddin Mollah of village Panchuria, Union No. 11 of police-station Narail in the district of Jessore, has died due to starvation; and

(ii) that the Subdivisional Officer was informed by a letter on the 17th March that Reazuddin Mollah was passing his days in starvation for want of food?

(b) If the reply to (a) (ii) is in the affirmative, will the Hon'ble Minister be pleased to state what step did the Subdivisional Officer take in the matter?

(c) Is the Hon'ble Minister aware that many people in the subdivision of Narail are passing their days with one meal and some times without any meal whatsoever?

(d) Are the Government considering the desirability of granting special help for the distressed localities?

(e) Is the Hon'ble Minister aware that on the 5th of June a letter was addressed to the Chief Minister narrating the death of the said Reazuddin Mollah?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The member is requested to refer to the answer given to starred question No. 530 by Mr. Sibnath Banerjee, M.L.A.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি তিনি তাঁর answer (c) তে বোলেছেন যে "কোন কোন জায়গায় *rabi* crops এবং বোরো আর জংলি আউস হোয়েছে"; কিন্তু আমি জিজ্ঞাসা কোরছি তাঁকে, অনেক area তেই কোন ফসল এ পর্য্যন্ত হয় নাই, এ খবর তিনি রাখেন কি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information on that point.

Mr. RASIK LAL BISWAS: মন্ত্রিমহাশয় এ সম্বন্ধে proper quarter থেকে খবর জেনে এ বিষয় অনুসন্ধান করবার প্রয়োজনীয়তা অনুভব করেন কি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government do not consider it necessary to ascertain further information on this point, because they are satisfied that the position is by no means gloomy and that the steps taken by Government are quite sufficient.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*a*) (*i*), is the Hon'ble Minister aware of the fact that the local chaukidar Panchu Mandal in his register recorded the death of Reazuddin Mollah as due to starvation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, that is not a fact.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister further aware of the fact that the President of the Union Board there has signed his name along with the *tip shoyi* of Panchu Mandal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, I have got the statement of Panchu Mandal's wife which gives an entirely different story.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that the letter, dated the 17th March, was sent under a postal certificate?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, Government is not aware of that.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enquire through the Postal Department as to whether the letter, dated the 17th March, was actually posted under a certificate of posting?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In the face of the statement of his wife, I do not think any further enquiry is necessary.

Srijut MANINDRA BHUSAN SINHA: Will the Hon'ble Minister please read out the statement?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The statement is as follows:—

আমার স্বামীর অনেক দিন যাবৎ হাপানীকাস ছিলো, এবং কয়েক দিবস অতিশয় অসুস্থ হওয়ায় শয্যাশায়ী হইয়া পড়ে। আমার স্বামীর মৃত্যুর তিন বৎসর পূর্ব্বে তাহাকে জ্বরে ধরিয়া রাখে

পড়ী নষ্ট হইয়া যায়; এবং পুত্র রাশীকাশের প্রয়োগে শরীর দিন দিন শুকাইয়া আসে, ক্রমে মৃত্যুমুখে পতিত হয়। আমি গভর্ণমেণ্টের চাল ও কাঁসড় কয় তাহিরে পাইয়াছি।

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to take into account a statement from the very same person, i.e., Reazuddin Mollah's wife, which reads as follows:—

আমরা নিম্ন স্বাক্ষরকারী ব্যক্তিগণ এতদ্দারা জানাইতেছি যে পাকুড়িয়া সাকিনের মৃত খোজ মামুদ মোল্লার পুত্র রেয়াজুদ্দি মোল্লা অন্যায়রূপে মৃত্যুমুখে পতিত হইয়াছে। এবং বর্ত্তমানে তাহার স্ত্রী ও নাবালক পুত্রদ্বয় অনশনে, অর্দ্ধাশনে দিন যাপন করিতেছে। অচিরাৎ ইহাদিগের অন্নের সংস্থান না হইলে, ইহারাও মৃত্যুমুখে পতিত হইবে।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are prepared to undertake an enquiry if the honourable member will kindly hand over the statement with the thumb impression. I hope, however, that the honourable member will take the responsibility of proving that it is a genuine statement.

Mr. ATUL KRISHNA GHOSE: Certainly.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister himself prepared to undertake the responsibility of proving the genuineness of the statement read out by him?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Of course, I am quite prepared to take the fullest responsibility.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister undertake to have a judicial enquiry?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Judicial enquiries are not held in these matters.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister undertake to have the enquiry made by a non-official member?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this statement had been procured through the usual machinery in the usual manner?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Since the Hon'ble Minister has been pleased to assure us that he is prepared to hold an enquiry into the matter, will he take the trouble also of enquiring whether an officer of Government was deputed to the wife of the said Keazuddin Mollah and whether a sum of Rs. 25 was given to that poor wretched widow and a forced statement that her husband was suffering from asthma and died a natural death, was taken?

Mr. SPEAKER: I think, in a matter like this, when the Hon'ble Minister has promised to make an enquiry into the matter, no further supplementary questions would serve any useful purpose. And if the honourable member will send all the allegations to the Hon'ble Minister, I am sure the Hon'ble Minister will look into them.

Dr. NALINAKSHA SANYAL: We want an assurance, Sir, that an independent machinery of enquiry will be set up different from the one by which the statement referred to by the Hon'ble Minister was obtained.

Mr. SPEAKER: You might ask about the machinery.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to assure us that an independent machinery of enquiry will be set up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government repudiates the allegation that this statement has been procured by any underhand means or by offering money to the poor widow. But Government undertakes to have an enquiry made through the Collector.

Mr. SANTOSH KUMAR BASU: Is the Hon'ble Minister quite sure that the deceased has left only one widow and not more? (Laughter.)

Validity of election of Khan Bahadur Anwarul Azim, M.L.A.

*532. **Mr. SYED AHMED KHAN:** (*a*) Has the attention of the Hon'ble Minister in charge of the Home Department been drawn to the report of the Election Tribunal to the effect that disqualification for being a member of the Assembly subsists on Khan Bahadur Anwarul Azim for a period of 5 years?

(*b*) If so—

(i) what action, if any, has been taken on this particular part of the report; and

(ii) why no steps are being taken for the representation of the Chittagong South Rural (Muhammadan) Constituency in the Assembly?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): Sir, with your permission I will answer, together with the present question, question on the same subject which has been asked by Dr. Sanaullah.

Government are fully aware of the natural anxiety of members in this matter, but the delay which has occurred could not be avoided.

The report of the Tribunal, in so far as it related to the return of election expenses, was found to raise legal questions likely to affect the interpretation of electoral law throughout India, and necessitated consultation with legal authorities outside Bengal, both in India and the United Kingdom. Action has had, therefore, to be deferred until Government have been finally advised as to the legal questions at issue.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that no corrupt practice has been found against the Khan Bahadur and that the Election Tribunal has declared his election as valid?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will refer the honourable member to the report of the Tribunal which is already there.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state when it is expected that the legal opinion spoken of in the question may be had by the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is very difficult to give a definite date, but I can assure this much that as soon as it is available, the member will be informed about it.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that the Election Tribunal has found that the return of election expenses is not intentionally false in any respect?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that whatever may be the facts, they actually raise issues which are of a legal nature and which are of such a complicated nature that legal experts have got to be consulted; and as far as I am personally concerned, the issues raised being a concern of the Governor in his discretion, I regret to say that I am not in a position to add anything to the answer I have already given.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that if election returns, not intentionally false, will come under the jurisdiction of the Tribunal, 99 per cent. of the members of this House will be in jeopardy as to their position?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is again a legal interpretation of the thing, and it is no use my expressing an opinion on it.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state when they have asked for the legal opinion from the United Kingdom?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice about the date.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if in the interests of the members of this House he will be pleased to consider whether an authoritative decision on the matter is promulgated soon?

Mr. SPEAKER: That is not his jurisdiction.

Mr. JOGESH CHANDRA GUPTA: But, Sir, he is in charge of Constitution and Elections.

Mr. SPEAKER: He can give you information but he cannot take steps.

Mr. JOGESH CHANDRA GUPTA: I understand, legal opinion, both in the United Kingdom and in India, is being taken. In the meantime, I understand, the member concerned is being allowed to draw his salary, though he is not allowed to attend the meetings here.

Mr. SPEAKER: I think, as a matter of fact, the best thing is not to ask any question in this matter.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state what is the designation of the legal authorities to whom it has been referred, in the United Kingdom as well as in India?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already stated, this question is one in the discretion of the Governor, and I regret I can give no further information on the subject.

*533. **Dr. SANAULLAH:** Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state—

(a) whether Khan Bahadur Anwarul Azim has incurred any disqualification for functioning as a member of the Bengal Legislative Assembly; and

(b) if so, whether the said disqualification has since been removed by His Excellency the Governor?

The Hon'ble Khwaja Sir NAZIMUDDIN: *Vide* answer to the previous question.

Scheduled Castes employees under Government.

*534. **Mr. DHANANJOY ROY:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether figures of the Scheduled Castes employees in the various departments of Government are being collected?

(b) Is it a fact that employees belonging to backward and minority communities (not included in the Scheduled Castes list) are being included in the Scheduled Castes figures?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state why a separate list of the employees belonging purely to the Scheduled Castes communities is not being prepared?

(d) Is it not a fact that an assurance was given in the Assembly that the Scheduled Castes will have distinct and separate recognition to the exclusion of other backward communities?

(e) If the answer to (d) is in the affirmative, are the Government considering the desirability of compiling the figures only of the Scheduled Castes employees in the various departments of Government to the exclusion of other backward communities?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member is aware of the statement of policy on the subject of the communal ratios in the services recently published by Government. The compilation of statistics will be modified in accordance with the requirements of that policy. Formerly no statistics were collected for the Scheduled Castes as distinct from the minority communities and backward classes.

Mr. PROMATHA RANJAN THAKUR: With reference to the first sentence of the answer, will the Hon'ble Minister be pleased to

state whether to reach communal parity in public services, the same policy as will be applied to Muslims will be applied to the Scheduled Castes as well?

Mr. SPEAKER: What is your question?

Mr. PROMATHA RANJAN THAKUR: My question is this: will the Hon'ble Minister be pleased to state whether to reach communal parity in public services, the same policy as will be applied to Muslims will be applied to the Scheduled Castes as well?

Mr. SPEAKER: Will you please read the question? In this question certain statistical information was wanted, and the Government answer is that in view of the change in the policy this statistical information will be modified. Therefore, the policy itself is not in issue. If you are not satisfied with the compilation of statistics, then and then only you can ask questions.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি গভর্ণমেণ্ট service এর রেসিও tabled করার পরে——

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the honourable member is dropping his voice. Will he please speak up?

Mr. SPEAKER: Mr. Biswas, will you please speak up?

Mr. RASIK LAL BISWAS: Yes, Sir, I will speak up, but if the Hon'ble Minister be more attentive, then he will find no difficulty.

মাননীয় মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি তিনি সার্ভিসের রেসিও টেবল করার পর থেকে সিডিউল্ড কাষ্ট, ব্যাকওয়ার্ড ক্লাস প্রভৃতি মিনরিটি কমিউনিটি যারা তাদের সব ষ্ট্যাটিকস্ নেবার প্রয়োজনীয়তা অনুভব করেন কি?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the honourable member, I am afraid, has not understood the thing. There is no question of compilation of statistics after the thing; as appointments will be given, statistics will be prepared.

Mr. PROMATHA RANJAN THAKUR: Sir, I want to explain one thing. The Hon'ble Minister said: "The honourable member is aware of the statement of policy....." So, I think, Sir, that my question arises.

Mr. SPEAKER: No, it does not arise.

Strength of ministerial officers in the offices under Deputy Inspector-General, Intelligence Branch.

*535. **Mr. SYED ABDUL MAJID:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*a*) the total strength of the present ministerial officers in the various grades in the office of the Deputy Inspector-General, Intelligence Branch;

(*b*) the grades of salaries of the ministerial officers; and

(*c*) the number of Muslims and Hindus in the various grades?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the table.

Statement referred to in the reply to starred question No. 535, showing the posts and grades of salaries of ministerial officers in the office of the Deputy Inspector-General of Police, Intelligence Branch.

	Posts.	Grade of pay.	Moslems.	Hindus.
		Rs.		
1	Office Superintendent.	500—20—700 ..	Nil	Nil
2	Assistants. ..	300—10—350	,,	,,
9	Ditto ..	100—100—125—15/2—260—10—300.	,,	,,
21	Ditto ..	90—10/2—100—15/2—250	,,	,,
4	Steno-typists ..	175—180—8/2—220 ..	,,	,,
1	Typist ..	150—5—175 ..	,,	,,
1	Typist ..	125—5—150 ..	,,	,,
18	Typists ..	110—10/2—120—5/2—130	,,	1
1	Accountant ..	125—10—225 ..	,,	1
1	Ditto ..	110—15/2—200 ..	,,	1
59				

Temporary ministerial officers.

13	Assistants on Rs. 90	.....	Nil.	7
8	Typists on Rs. 100	.....	,,	Nil
1	Accountant on Rs. 110.	.....	,,	1
22		Total ..	,,	11
Total 81				

The rest are Anglo-Indians.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state when were Muslims appointed last?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I ask for notice.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister be pleased to state why the grades of pay under this branch of the administration are so much higher than those in the other departments of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, this has been so for some time. I am afraid I cannot give an answer off-hand.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister be pleased to state whether a single Muhammadan was appointed to any of these posts?

Mr. SPEAKER: That question does not arise. Though it has not been done in the past I want to follow this principle rigidly in future, namely, that whenever any statistical information is required, questions will be confined only to statistics and not to any major question of policy that may be involved in it. If honourable members want to discuss or ask questions about such matters, they should specifically put questions. Here in this question you do not want to know anything beyond figures. If you are not satisfied with the figures you can say so, but whether the figures are good or bad—that does not arise.

Enhancement of rent in Alipur Duars Old Civil Station and Western Duars Khas Mahal.

***536. Mr. KHAGENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) whether it is a fact that recently the Tahsildar of Alipur Duars called upon the lease-holders of plots of land with the Alipur Duars Old Civil Station, Western Duars Khas Mahal, to execute new *kabuliyats* in respect of plots and intimated them that the rent would be enhanced 1,000 per cent. of the plots on which the tin sheds are used as shops and 300 per cent. of the lands which are used purely for residence; and

(*ii*) whether it is a fact that in the new lease a new term has been inserted providing for *selami* at 25 per cent. on transfer?

(b) Is the Hon'ble Minister aware—

(i) that the Old Alipur Duars Civil Station is a village only, having no municipality, no arrangements for lighting, road-watering, *methar* service, etc., with no Union Board and no daily bazar;

(ii) that on account of the fall in prices of rice, jute and tobacco, the trade condition of Alipur Duars had deteriorated; and

(iii) that a number of holdings for which Rs. 100 per acre per year have been assessed are used mainly for dwelling purposes and that the front rooms only are used for shops?

(c) Is it a fact—

(i) that the Tahsildar and the Khas Mahal Officer or the Deputy Commissioner never consulted the tenants about the proposed enhancement and never heard objections;

(ii) that the enhanced rates were fixed without the knowledge of the tenants; but

(iii) that there was a clause in the old lease purporting that on the renewal of the lease enhancement of the rent may be made with the consent of both the parties?

(d) Is it a fact—

(i) that a number of tenants filed a petition of objection to the Deputy Commissioner, Jalpaiguri, who rejected it;

(ii) that thereupon they filed appeal before the Divisional Commissioner and got no redress; and

(iii) that last of all they moved the Board of Revenue who also rejected their appeal on the 26th April, 1939, without giving any reason?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) (i) The term of the Old Settlement having expired in 1936-37, lessees of the Alipur Duars Civil Station plots were called upon to execute fresh leases. A flat rate of Rs. 10 per acre was previously in force and the rate of rents assessed at the renewals are as follows:—

(1) Rents for plots for business area—Rs. 100 per acre.

(2) Rent for residential plots within business area—Rs. 35 per acre.

(3) Rent for residential plots outside business area—Rs. 30 per acre.

(*ii*) The new leases were drawn up in the standard form of long term lease of town *khas mahal* lands for non-agricultural purpose printed at pages 105-108 of the Crown Estate Manual, 1932, clause 5 of which provides for payment of a fee which for transfers will equal to 25 per cent. of the market value of the land.

(*b*) (*i*) Alipur Duars is the headquarters of the Civil subdivision. The present lessees who had settled over 30 years ago, have been provided with better roads, communication, water-supply, schools, medical aid, marketing and conservancy facilities through Union Committees.

(*ii*) The fall in prices of rice, jute and tobacco has affected the agricultural tenants to some extent, but the business of the middlemen has not been affected. Alipur Duars is a growing town and there is a great demand for land there.

(*iii*) There are holdings which have been assessed at Rs. 100 per acre which contain dwelling accommodation, but these are used mainly for business purposes.

(*c*) (*i*) The enhancements were proposed by the Khas Mahal Deputy Collector after local enquiry and they were approved by the Deputy Commissioner. Against these enhancements some of the tenants submitted appeals to the Deputy Commissioner which were duly disposed of.

(*ii*) No. The rates were enhanced with the knowledge of the lessees and the new assessments were also duly communicated to them.

(*iii*) No.

(*d*) (*i*) Yes.

(*ii*) The Commissioner upheld the decision of the Deputy Commissioner.

(*iii*) Against the decision of the Commissioner (1) Babus Tara Chand Oswal, (2) Sarada Kumar Sen Sarma and (3) Krishna Chandra Sammaddar filed petitions before the Board of Revenue, who agreeing with the Commissioner and the Deputy Commissioner rejected them.

Mr. KHAGENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that in the Census Report of 1930-31 Alipur Duars was not considered to be a town?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It may not be a town technically, but really it is a town. (Laughter.)

Mr. KHAGENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that the population of Alipur Duars is less than 3,000?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That may be so, but it is a subdivisional headquarters and as such it is considered to be a town.

Mr. KHAGENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that although a union committee has recently been formed there, it is not functioning?

Mr. SPEAKER: Does that show that it is a town or a village? (Laughter.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have known of areas where even union committees do not exist but which are nothing but urban area

Cases before Debt Settlement Boards in Murshidabad.

***537. Mr. C. MORGAN:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the number of cases instituted before each of the following Debt Settlement Boards, viz., the Dumcole Debt Settlement Board, the Furredpur Debt Settlement Board, the Patkabari and Suadpore Debt Settlement Board in the district of Murshidabad during the year ending on 14th April, 1939;

(*ii*) the number of cases decided during the above period, and

(*iii*) the number of cases still pending before the Boards as on the 14th April, 1939?

(*b*) Is the Hon'ble Minister aware of the fact that the largest majority of cases are still pending?

(*c*) If so, will the Hon'ble Minister be pleased to explain the reasons for the delay for the disposal of the cases instituted before the Boards in question?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behari Mullick): (*a*) (*c*) There is no Debt Settlement Board of the name of Furredpur. The Khayaramari Debt Settlement Board has its office located at Furredpur. The figures are as follows:—

Domkal	...	136
Patkabari	...	120
Sujapur	...	261
Khayramari	...	66

(*ii*) Domkal	...	73
Patkabari	...	13
Sujapur	...	64
Khayramari	...	Nil.
(*iii*) Domkal	...	63
Patkabari	...	107
Sujapur	...	197
Khayramari	...	66

(*b*) Yes: but many of the cases have been disposed of by now.

(*c*) These Boards were formed in the Spring of 1938 and the average Board requires four or five months to grasp the principles of the Act and the procedure to be followed. Just as these Boards had come to understand the work the floods came and for three months, August to November, little or no work could be done. Even after that officers were still engaged in relief work and could not give their full time to the supervision of the Boards. Vigorous attempts are being made to accelerate the work of these Boards.

Mr. C. MORGAN: In view of the unsatisfactory state of affairs revealed by the answers given by the Hon'ble Minister, will the Hon'ble Minister consider the question of repealing the Bengal Agricultural Debtors' Act and dissolving these voluntary Debt Settlement Boards?

The Hon'ble Mr. MUKUNDA BEHARI MULLICK: Sir, I do not think any answer is called for.

Mr. JOGESH CHANDRA GUPTA: What is the Hon'ble Minister's answer, Sir? The Hon'ble Minister seems to be very much embarrassed. (Laughter.)

The Hon'ble Mr. MUKUNDA BEHARI MULLICK: Sir, the events of the province call for more drastic remedy than what is suggested here.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় দয়া কোরে বোলবেন কি, এই ডেট, সেটলমেণ্ট বোর্ডগুলি কোন সময় গঠিত হোয়েছিলো?

The Hon'ble Mr. MUKUNDA BEHARI MULLICK: I think, I have already stated it in answer (*c*).

Newspapers subscribed by Government departments situated in Calcutta.

*538. **Maulvi MD. MOZAMMEL HUQ:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the names with number of copies of newspapers subscribed by each of the Secretariat departments and other offices of the Bengal Government situated in Calcutta including the Calcutta High Court?

(*b*) On what principle or principles are newspapers subscribed by Government and various offices and departments under them?

(*c*) Is the Hon'ble Minister aware that papers conducted by Hindus and Muslims represent their respective opinions?

(*d*) Are the Government considering the desirability of subscribing papers conducted by both the communities?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) The main consideration is whether a knowledge of the contents is likely to be of service to the department.

(*c*) I am reluctant, Sir, to hazard an opinion on so controversial a subject.

(*d*) They already do so.

Statement referred to in the reply to clause (a) of starred question No. 538 showing newspapers subscribed by Secretariat departments and their attached offices in Calcutta.

	Name of the newspaper.	Number of copies subscribed.
1.	Statesman	55
2.	Amrita Bazar Patrika	45
3.	Star of India	33
4.	Advance	20
5.	Hindusthan Standard	11
6.	Forward	5
7.	Capital	9
8.	Monthly Review	1
9.	Independent India	1
10.	Indian Monthly Magazine	2
11.	Commerce	1
12.	Indian Finance	1
13.	Times of India	5

	Name of the newspaper.	Number of copies subscribed.
14.	Allahabad Leader	1
15.	Tribune (Lahore)	1
16.	Hindu (Madras)	1
17.	Harijan	1
18.	Hindusthan Times	2
19.	Indian Annual Register	2
20.	Mussalman	3
21.	Indian Co-operative Review	1
22.	East Bengal Times	1
23.	Jute Journal	1
24.	Education Gazette, Dacca	1
25.	Property	1
26.	British Medical Journal	1
27.	Lancet	1
28.	Indian Medical Gazette	1
29.	Ananda Bazar Patrika	16
30.	Azad	13
31.	Dainik Basumati	7
32.	Yugantar	6
33.	Matribhumi	2
34.	Nava Sangha .	1
35.	Praja Sakti	1
36.	Krishak	2
37.	Muhammadi	3
38.	Hanafi	4
39.	Abatar	1
40.	Kheyali	1
41.	Nabanoor	1
42.	Keshari	1
43.	Moslem	1
44.	Rozana Hind	2
45.	Asre-Jadid	1
46.	Lokamanya	1
47.	Viswa Mitra	1
48.	Islamic Review	1
49.	Roy's Weekly	1
50.	24-Parganas Bartabaha	1
51.	Indian Economist	1
52.	Insurance World	1
53.	Whip	1
54.	Financial Times	1

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ কোরে বোলবেন কি, "আনন্দ বাজার পত্রিকার" প্রচার সংখ্যা সব চেয়ে বেশী হওয়া সত্ত্বেও —এবং "হিন্দুস্থান ষ্টাণ্ডার্ড" কাগজ অত্যন্ত বিখ্যাত সংবাদপত্র হওয়া সত্ত্বেও তাদের subscribe করার যা সংখ্যা দেখছি—তা অত্যন্ত অসন্তোষজনক——

Mr. SPEAKER: I am afraid, Mr. Chakrabarty, you do not realise that this is a summarised table of newspapers subscribed by all the departments under the Bengal Government situated in Calcutta. So you must put questions to the Hon'ble Minister who is responsible for the particular department. Sir Nazimuddin is only responsible for the collection of the figures.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রীমহাশয় কি অনুগ্রহ কোরে জানাবেন "আনন্দ বাজারের" প্রচার সংখ্যা "ষ্টেটসম্যান" কাগজের প্রচার সংখ্যার চেয়ে অত্যন্ত বেশী হয়ে "আনন্দ বাজার" এত কম নেওয়া হয় কেন?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is according to the departmental needs. There may be some Ministers who do not want it; there may be some departments who do not feel the necessity of it. There are so many papers to choose from.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ কোরে অনুসন্ধান কোরে বোলবেন কি, "আনন্দ বাজার পত্রিকা" বেশী না নেবার কারণ তার রাজনৈতিক মতবাদ?

The Hon'ble Khwaja Sir NAZIMUDDIN: From the list, it will be apparent that all those papers which do not support Government are also being subscribed. So there is no justification for that insinuation.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to explain the necessity of taking so many copies of the "Statesman" when other journals are being taken far less?

Mr. SPEAKER: I am afraid, that question does not arise. The question refers to all the departments of Government for which the Hon'ble Minister is not responsible. He has merely compiled the figures. So the proper course is to put questions department by department and then ask such supplementary questions.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*b*), will the Hon'ble Minister be pleased to state if the increase of numerical strength also implies increase of service along with it?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I point out that as far as the vernacular papers are concerned, "Ananda Bazar Patrika" has the largest number, and, after all, the same news appear in most cases both in the English papers as well as in the vernacular papers. So, considering the number of papers that is already being subscribed, there is no justification for increasing the number.

Mr. ATUL KRISHNA GHOSE: In view of the grant of Rs. 30,000 in the last budget to the paper "Azad"——

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Sir, let me finish my question. In view of the sanction of Rs. 30,000 to the "Azad" paper, will the Hon'ble Minister be pleased to consider the desirability of putting a request to them to supply "Azad" paper free in order to minimise the cost of papers?

Mr. SPEAKER: That question does not arise.

Mr. SASANKA SEKHAR SANYAL: Sir, the Hon'ble Minister has said that even anti-Government papers are being subscribed for by Government. Will the Hon'ble Minister be pleased to enlighten us as to which papers Government think are anti-Government and which are pro-Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: As a matter of fact, there are very few papers which support Government and that is our real grievance.

Babu NAGENDRA NATH SEN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether officers of departments are consulted before subscribing to a paper?

The Hon'ble Khwaja Sir NAZIMUDDIN: As a rule, they are consulted.

Mr. SANTOSH KUMAR BASU: With reference to the admission by the Hon'ble Minister that there are very few papers which support Government, will the Hon'ble Minister be pleased to state what steps Government have taken to improve that state of affairs?

Mr. SPEAKER: That question does not arise.

Non-official visitors of Pirojpur Sub-Jail.

*539. **Mr. UPENDRA NATH BARMAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) who are the present non-official visitors of the Pirojpur Sub-Jail;

(*ii*) when were they appointed; and

(*iii*) when will their term come to an end?

(*b*) Is the Hon'ble Minister aware that consent of the local M.L.A.'s as to the persons who were willing to serve as non-official visitors of the Pirojpur Sub-Jail, was taken about two years ago by the then Sub-divisional Officer?

(*c*) If so, what action, if any, has been taken in the matter?

(*d*) If no action has been taken, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Babu Surja Prasanna Baipai and Maulvi Tofazzal Ahmed Choudhury

(*ii*) 7th December, 1937.

(*iii*) 6th December, 1939.

(*b*) I have no such information, and the appointment of non-official visitors is made by the Commissioner of the Division under Jail Code Rule 56.

(*c*) and (*d*) Do not arise.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া কোরে পিরোজপুর sub-jail এ local M. L. A. দের non-official visitor করবার জন্য ব্যবস্থা করতে পারেন কি?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said before in this House and I repeat it now, Government have revised the Jail Code Rules especially to provide for the appointment of M.L.A.'s as non-official visitors.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if official letters were issued to local M.L.A.'s seeking their consent to be non-official jail visitors?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be so.

Police enquiry on abduction of a Hindu girl of Chouka, Malda.

***540. Sj. NARENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware that recently a mass Hindu meeting was held at Chouka within police-station Shibganj in the district of Malda on the subject of abduction of a Hindu girl?

(*b*) If so, whether a copy of the resolution passed at the meeting and addressed to Hon'ble Sir B. P. Singh Roy, has been received in the Home Department?

(*c*) Is the Hon'ble Minister aware that an inquiry was made personally by the Superintendent of Police of Malda into the matter?

(*d*) If the answer to (*c*) is in the affirmative, what is the result of the inquiry?

(*e*) What steps, if any, do the Government propose to take on the report of the Superintendent of Police?

(*f*) Whether it is a fact that the officer in charge of Shibganj police-station has been ordered to proceed to another thana subsequently on transfer?

(*g*) Whether it is a fact that order has been passed to depute Babu Sashadhar Dutt, Sub-Inspector of Kaliachak thana at Shibganj?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes, a meeting of the Chouka Hindu Sabha was held

(*b*) No.

(*c*) Yes.

(*d*) and (*e*) The matter is still under investigation by the police.

(*f*) Yes, but the orders appear to have been passed in the normal course, and not for reasons connected with this case. The orders have since been held in abeyance.

(*g*) Yes, but see reply to (*f*).

Settlement of foreign liquor shops in Calcutta with non-Bengalis.

***541. Mr. PUSPAJIT BARMA:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether it is a fact that recently two foreign liquor shops, one in Chowringhee and the other at Bertram Street, have been settled with two non-Bengalis?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what are the names of those two persons;

(*ii*) whether it is not the declared policy of the Government that the shops are not to be settled with outsiders; and

(*iii*) if so, why were such settlements made?

(*c*) Is it a fact—

(*i*) that one licence in Chowringhee Road has been sanctioned by the Commissioner of Excise;

(*ii*) that there was objection by the local people; and

(*iii*) that the Excise Licensing Board refused to sanction the same?

(*d*) Are the Government contemplating suitable steps in the matter?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) Yes.

(*b*) (*i*) Mr D S Mazda and Mr P B Madhora.

(*ii*) Yes, but if a non-Bengali is domiciled in Bengal, he is given consideration on that account

(*iii*) There was a demand for a foreign liquor shop in both localities. The before-named persons were considered the most suitable candidates who owned suitable premises There were no Bengali candidates so suitable.

(*c*) (*i*) Yes

(*ii*) No.

(*iii*) The Licensing Board sanctioned the shop for 1938-39 and the shop was opened in January, 1939 After three months the Licensing Board refused to sanction the continuance of the shop. The latter decision of the Board was not accepted by the Excise Commissioner.

(*d*) Government do not propose to take any action.

Mr. RASIK LAL BISWAS: এই যে দুজন যাদের নাকি দোকান দুটো দেওয়া হয়েছে গভর্ণমেণ্ট তাদেরই কি most suitable বোলে মনে করেছেন?

Mr. SPEAKER: You ask first whether the appointment was made by the Government or the head of the department.

You are asking a question about the desirability of certain candidates. Now, there are certain things which are done by the heads of the department and certain other things which are done by the Hon'ble Minister on his executive responsibility. You must first make it clear if it was done by the head of the department or by the administrative department and then you may ask whether Government have any information as to their suitability——

Mr. RASIK LAL BISWAS: Sir, এখানে যা লেখা রয়েছে এতে আমি পরিষ্কার বুঝতে পারছি—গভর্ণমেণ্ট কেন এটা কোরেছেন তার সন্ধান পাইনে বোলেই question কোরেছি। Sir, যদি মনে করেন, তবে আমি অন্যভাবেই জিজ্ঞাসা কোরছি।

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. How can you distinguish between the cognisance of the Hon'ble Minister and the cognisance of the department?

Mr. SPEAKER: I am not suggesting that the Government is not ultimately responsible for a thing the cognizance of which is taken by the head of the department. You ask a question as to whether a man is fit or unfit which is the direct concern of the head of the department. You should first ask whether the appointment was made by the Government or the head of the department, and then you should ask for further information.

The question ought to be whether the Government have decided the matter.

The Hon'ble Mr. PRASANNA DEB RAIKUT: The head of the department thought them suitable for these two shops

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if there were any Bengali candidates seeking for licence?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I want notice.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state how he became aware that there was a demand for two foreign liquor shops in both these localities?

The Hon'ble Mr. PRASANNA DEB RAIKUT: That was the report from the department.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*b*)(*ii*), will the Hon'ble Minister be pleased to state if a European was considered to be a non-Bengali in this case?

(No answer.)

Mr. NISHITHA NATH KUNDU: With reference to answer (*c*)(*iii*), viz., the latter decision of the Board was not accepted by the Excise Commissioner, will the Hon'ble Minister be pleased to state what is the criterion of the suitability of candidates in the matter of granting licences?

(No reply.)

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state from which community or communities there was a demand for the establishment of liquor shops in these localities?

The Hon'ble Mr. PRASANNA DEB RAIKUT: European and Anglo-Indian.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether any representation was made to him from the Anglo-Indian community for the establishment of liquor shops?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No.

Babu KSHETRA NATH SINCHA: Will the Hon'ble Minister be pleased to state whether Government have any power to control the action of the Excise Commissioner?

(No answer.)

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় নতুন কোন্ কোন্ দোকান খোলবেন কি, গভর্ণমেণ্ট নূতন candidate কেই most suitable বোলে মনে করেন কি না?

Maulvi ABU HOSSAIN SARKAR: Mr Speaker, Sir, is prompting allowed?

Mr. SHAMSUDDIN AHMED: Coaching should have been outside the Chamber.

The Hon'ble Mr. PRASANNA DEB RAIKUT: The Commissioner of Excise can explain this matter.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether the demand referred to was made verbally or in writing?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I want notice.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state having regard to the professed prohibition policy whether a subordinate in the department can go on increasing shops without the knowledge and consent of the Hon'ble Minister?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No.

Mr. SIBNATH BANERJEE: Let the Hon'ble Minister go to the microphone; otherwise we cannot hear anything.

Mr. SPEAKER: Order, please. He has answered the question in the negative.

Mr. JOGESH CHANDRA GUPTA: May I request the Hon'ble Minister to speak on the microphone You are aware that this excise prohibition matter is a very important matter of policy of this House and we want seriously to know what is the exact position.

Mr. SPEAKER: He has answered your question in the negative.

Mr. JOGESH CHANDRA GUPTA: The answer to my question being in the negative it means that these two extra shops in the Chowringhee have been opened with the consent of the Hon'ble Minister. Is it or is it not a fact?

The Hon'ble Mr. A. K. FAZLUL HUQ: Is the Hon'ble Minister bound to answer a question which is meaningless?

Mr. SPEAKER: I appeal to the Hon'ble Chief Minister not to interrupt in this way.

The Hon'ble Mr. PRASANNA DEB RAIKUT: No new shop can be opened without the consent of the Licensing Board

Mr. JOGESH CHANDRA GUPTA: The question that I have addressed to the Hon'ble Minister is whether these two shops have been established with the knowledge and consent of the Hon'ble Minister.

The Hon'ble Mr. PRASANNA DEB RAIKUT: The Minister never sanctions the opening of shops.

Mr. NISHITHA NATH KUNDU: With reference to answer (*iii*), viz., "the latter decision of the Board was not accepted by the Excise Commissioner," will the Hon'ble Minister be pleased to state the reasons for rejecting the decision of the Licensing Board by the Excise Commissioner?

The Hon'ble Mr. PRASANNA DEB RAIKUT: For the details I have got to enquire from the Excise Commissioner. I want notice.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether he satisfied himself that the demand was such as justified the establishment of two additional liquor shops in the Chowringhee area?

The Hon'ble Mr. PRASANNA DEB RAIKUT: The matter was left to the Excise Commissioner and the Licensing Board

Increase of the number of cases in the Workmen's Compensation Court and on wage disputes.

***542. Mr. SIBNATH BANERJEE:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware that the number of cases in the Workmen's Compensation Court and on wage dispute has increased enormously?

(*b*) What is the number of —

(*i*) workmen's compensation cases, and

(*ii*) Wages Act cases filed in 1937 and 1938?

(*c*) Is the Hon'ble Minister aware that some compensation cases are pending for over 9-10 months?

(*d*) What is the average time taken for disposal of —

(*i*) contested compensation cases; and

(*ii*) contested wage dispute cases?

(*e*) When were these cases filed and when disposed of, and which of them are still pending—

(*i*) C. C. 153/38 Ersed Ali *vs* J. K. Mitra?

(*ii*) C. C. 236/38 S. K. Samsul *vs* S. P. Dhar;

(*iii*) Wages case Kamala Saw Mill *vs* Sher Ali,

(*iv*) Wages cases 500, 567, 704 and 712 of 1938?

(*f*) What are the other duties of the Commissioner besides the disposal of cases?

(*g*) Are the Government considering the desirability of appointing an Assistant Commissioner or an office Superintendent for speedy disposal of cases?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) and (*c*) Yes.

		1937.	1938.
(*b*)(*i*)	.. ..	1,253	1,619
(*ii*)	.. ..	146	752

	1939.	1938.
(*d*) (*i*)	.. 3 months and 22 days	.. 3 months and 25 days.
(*ii*)	.. 1 month and 19 days	.. 1 month and 7 days.

(*e*) (*i*) 10th August, 1938—26th May, 1939.

(*ii*) 11th November, 1938—12th June, 1939.

(*iii*) 13th June, 1938—20th June, 1939.

(*iv*) 26th July, 1938—25th May, 1939.

13th June 1938—20th June 1939.

15th November 1938—30th May 1939.

17th November 1938—30th May 1939

The delay in the disposal of these cases was abnormal. In two cases it was caused by the impleading of a third party by the opposite party at a late stage in the proceedings; in one case by the fact that a criminal case was in progress between the parties and that a third party was brought on to the record at a late stage in the proceedings, in one case by a technical defect which came to notice when the case was well advanced and in one case by the fact that the case had to await the disposal of a connected case.

(*f*) In addition to administering the two Acts, and disposing of cases, the Commissioner has to manage his office, pass and sign notes and letters, check the daily accounts, involving large sums of money, and administer a fund consisting of investments made by him for the benefit of recipients of compensation. He also has to tour.

(*g*) I have no reason to suppose that the appointment of an Assistant Commissioner is necessary. The question of providing the Commissioner with some assistance in the management of the office will be considered.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state, since the number of wage dispute cases increased by 500 per cent., whether any additional staff has been granted to the Commissioner for compensation?

The Hon'ble Mr. H. S. SUHRAWARDY: That question has been answered.

Mr. SIBNATH BANERJEE: That question has not been answered, because it has only been stated that in 1937 the number of cases was 146, and in 1938, 752. My question is: when in 1937 to 1938 the number of cases had increased by 500 per cent., what was the increase made in the staff in 1937 or 1938?

The Hon'ble Mr. H. S. SUHRAWARDY: Does the honourable member wish to know what increase was made?

Mr. SIBNATH BANERJEE: Yes.

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice.

Mr. SIBNATH BANERJEE: With reference to answer (*f*) where it is said that the Commissioner has to manage his office, pass and sign notes and letters, check the daily accounts involving large sums of money and administer a fund consisting of investments made by him for the benefit of recipients of compensation, will the Hon'ble Minister be pleased to state the number of such recipients and the approximate total of the amount of the fund that he has to invest?

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice

Interview of certain members of Board of Control of East India Jute Association with the Hon'ble Commerce Minister.

***542A. Babu NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether recently certain members of the Board of Control of the East India Jute Association were asked to interview him in connection with the dealings in the future market?

(*b*) What were the specific purposes for which the members of the Board of Control were asked to interview the Hon'ble Commerce Minister?

(*c*) Are the Government contemplating any measure or measures to control the activities of the *fatka* market?

(*d*) Have the Government formulated any comprehensive scheme for ensuring better prices for raw jute to the cultivators in the coming season?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) and (*b*) I requested the members of the Board of Control to see me in connection with the representation of the Muslim Chamber of Commerce requesting me to ask the Board to refrain from opening the market on the 3rd June.

(*c*) The matter was under my consideration. I am now awaiting the report of the Jute Enquiry Committee.

(*d*) We are awaiting the report of the Jute Enquiry Committee. In the meantime we are watching the situation.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if his attention has been drawn to an article published in the "Capital" in the first week of June severely criticising this action of the Hon'ble Minister?

The Hon'ble Mr. H. S. SUHRAWARDY: No, I am afraid I have not had time to read that article although I was told about it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that there was some bullish effect in the market as a consequence of this action of the Hon'ble Minister?

The Hon'ble Mr. H. S. SUHRAWARDY: Not that I am aware of.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that this action of the Hon'ble Minister has been interpreted as an action in the interests of gamblers from Western India?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of it; but if it has been so interpreted in the market, there does not appear to be any justification. If a representation is made to me by anybody, I think it is my duty to enquire into all its aspects before I come to a decision.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government had any difficulty in making a private and confidential enquiry before an open invitation was given to the members of the Board of Control? Was there any difficulty in making a private enquiry?

The Hon'ble Mr. H. S. SUHRAWARDY: I am afraid that Government have got no machinery for making a private and confidential enquiry. Government act openly and when a representation was made about the Board of Control, I requested the President of the Board of Control to see me with his members.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that any such action even in regard to an interview necessarily has some influence on the future market?

The Hon'ble Mr H. S. SUHRAWARDY: I don't think that this could have had any effect, because I think it was on the previous evening that I asked the President of the Board of Control to see me and the next day after I saw him, the matter was closed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in the market before the Hon'ble Minister sent for the members of the Board of Control, it was being openly talked about that certain influential merchants would compel the market to have a bullish effect with the influence of the Hon'ble Minister?

The Hon'ble H. S. SUHRAWARDY: I am not aware of it. If there are people in the market who can anticipate things intelligently in regard to occurrences that have not even been thought of I think it is to their credit.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that two influential merchants Messrs. Surajmal Nagarmal and Ispahani made a good amount of profit out of this interview?

Mr. SPEAKER: That question does not arise

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of it——

Mr. SPEAKER: I have disallowed the question.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he is aware that the Secretary of the Jute Enquiry Committee has been saddled with the Secretaryship of the Rice and Paddy Enquiry Committee and also with work in the Finance Department?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of it. I do not know.

Mr. SIBNATH BANERJEE: Who is the Secretary of the Jute Enquiry Committee?

The Hon'ble Mr. H. S. SUHRAWARDY: I think I now remember who the Secretary of the Jute Enquiry Committee is, but I do not know what work he is doing.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have made any investigation as to

whether the stoppage of the market of the East India Jute Association in future dealings from 3rd June would affect the jute prices so far as the new crop is concerned—delivery in September?

The Hon'ble Mr. H. S. SUHRAWARDY: Does the honourable member ask for my opinion?

Dr. NALINAKSHA SANYAL: No, no. I want to know whether Government have made any enquiry as to whether the stoppage of the market of the East India Jute Association from 3rd June would adversely affect the price of raw jute in September for future delivery in September.

The Hon'ble Mr. H. S. SUHRAWARDY: The question, however it may be put, is really a question asking for my opinion.

Mr. TULSI CHANDRA GOSWAMI: Not at all

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member wishes to know if I have made any enquiry in the matter if the market had been closed on the 3rd of June whether it would have had any effect on the price of jute in September. It is not possible for anybody to make that enquiry. It must always remain a matter of opinion.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that by future dealings the demand for future delivery is increased and thereby the price for future delivery has got a tendency to be raised?

Mr. SPEAKER: You cannot give him a lecture on "Futures."

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there was any application for arbitration to Government from the Muslim Chamber of Commerce with a view to steadying the current prices or with a view to increasing the prices in September? What was the object?

The Hon'ble Mr. H. S. SUHRAWARDY: The Muslim Chamber of Commerce asked me to request the Board to refrain from opening the market from the 3rd of June, and so far as I could understand from the representation, their view was that if the market was not opened on the 3rd June, the price of the new Jute coming in would remain high, whereas if the market was opened, the price would fall.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is quite definite that this was one of the arguments used in the petition?

The Hon'ble Mr. H. S. SUHRAWARDY: I believe that was the only argument. The representation was worded solely from the point of view of the price which the agriculturists would receive and it was from that point of view that I asked the Board of Control to see me.

Dr. NALINAKSHA SANYAL: So far as the price is concerned, I want to know whether the present prices, that is the delivery prices, were sought to be increased or the future delivery price in September was sought to be increased. If the idea was to increase the present delivery prices, you are well aware that no case was made out as the cultivators had already sold out their jute; if it was for the future delivery prices, the cultivators have nothing to gain thereby. ——

Mr. SPEAKER: Dr Sanyal, I am sorry I cannot allow further supplementary questions as the allotted period of one hour for questions has already expired. As a matter of fact, I have already allowed you to put supplementary questions even after the allotted period, but I must now bring them to a close.

Outstanding questions.

Babu NARENDRA NARAYAN CHAKRABARTY: সভাপতি মহাশয়, আমি একটা বিষয়ে আপনার দৃষ্টি আকর্ষণ কোরতে চাই। এপ্রিল মাসের শেষ সপ্তাহে আমি কতকগুলি প্রশ্ন কোরেছিলাম এবং তৎসম্পর্কে এই সপ্তাহেই মাননীয় মন্ত্রীমহাশয় স্বীকার কোরেছিলেন যে, অতি অল্প দিনের মধ্যে সেই প্রশ্নগুলির উত্তর দেওয়া হবে। অল্পদিন পূর্ব্বেও আমি নিজে ব্যক্তিগতভাবে মন্ত্রী মহাশয়কে জিজ্ঞাসা কোরেছিলাম, এবং তিনি আমাকে নিশ্চিতভাবে এই আশ্বাস প্রদান কোরেছিলেন যে, ৬ই জুলাই আমার প্রশ্নের প্রত্যুত্তর প্রদান করা হবে। আজকে আমি বিস্মিত হোয়ে যাচ্ছি যে, তিনি আজও নিজেকে প্রস্তুত কোরতে পারেন নি আমার সেই প্রশ্নের উত্তর প্রদানের জন্য।

এবিষয়ে আমি আমার short-notice question এর প্রসঙ্গে আপনার কাছ থেকেও এই আশ্বাস পেয়েছিলাম যে, অতি সত্বরই মন্ত্রী মহাশয়ের কাছ থেকে প্রত্যুত্তর আদায় কোরে দেবেন। এবিষয়ে আপনার দৃষ্টি আকর্ষণ কোরছি। আশা করি, আপনি মন্ত্রী মহাশয়কে এই প্রশ্নগুলির উত্তর দেবার জন্য কালকের মধ্যেই সময় কোরতে অনুরোধ জানাবেন।

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member is not aware, though I should have thought he would have known it by now, that subject matters of both the questions are *sub judice*, but I am prepared to make a statement and give an answer in view of the various reports that are appearing in the newspapers. I hope I shall be able to answer the question by the 10th of July.

Adjournment motions.

(Three members of the Opposition, viz., Dr. Nalinaksha Sanyal, Mr. Niharendu Dutta Mazumdar and Mr. Sibnath Banerjee stood up simultaneously to draw the attention of Mr. Speaker in connection with the adjournment motions standing in their names.)

Mr. SPEAKER: I find that there are three adjournment motions tabled by the Opposition, one of Dr. Sanyal, one of Mr. Dutta Mazumdar and one of Mr. Sibnath Banerjee. It also appears that each of them wants that his own adjournment motion should be taken up first. It could be better if they could arrange amongst themselves as to which adjournment motion might be taken up first.

Mr. JOGESH CHANDRA GUPTA: Sir, we could not give any decision from the party as it was not known which adjournment motion would be allowed.

Mr. SPEAKER: I do not know what the exact position would be so far as these adjournment motions are concerned; but as far as I can see for the present—I am not anticipating the decision—I feel that Dr. Sanyal's motion is in proper form. So far as Mr. Dutta Mazumdar's motion is concerned, it has been drafted in extremely vague terms; he has referred only to police excesses and nothing else.

Mr. NIHARENDU DUTTA MAZUMDAR: You, Sir, in this House mentioned the other day that I must base my point on the principle of the legality or otherwise of the action of the Executive in connection with a labour dispute and not on the case of an individual strike.

Mr. SPEAKER: I remember quite well what I said the other day. That was in connection with the French Motor-car Company's strike and the issue there was whether the police could use tear gas—that was the principle involved. Here, so far as your adjournment motion is concerned, you have not as yet shown as to what principle except police excesses is involved.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, here the principle is that it is being seen that the police and the executive are increasingly taking the side of the millowners.

Mr. SPEAKER: I think that unless the language of Mr. Mazumdar's adjournment motion is changed and the motion is redrafted, it cannot be admitted.

Mr. JOGESH CHANDRA GUPTA: In view of what you have just stated, we think the motion of Dr. Sanyal may be taken up if you have no objection.

Mr. SPEAKER: What about Mr. Mazumdar's motion?

Mr. JOGESH CHANDRA GUPTA: That will be redrafted.

Dr. NALINAKSHA SANYAL: Sir, I beg leave to move that the business of the House do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the situation created through the action of the Magistrate prohibiting the protection work of Kutigram from the floods of the river Dharla.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: May I know from the honourable member what is the source of his information and what is the exact nature of the allegation? The difficulty of Government is that although something appeared in the newspapers a couple of days ago, we have no information from the local officers. Although I personally welcome a discussion of this matter, it is extremely difficult for me to say what has happened, and I am afraid it is impossible for Government to say anything definitely without a report from the local officers. I may here state for your information that on receipt of this adjournment motion we have sent a wire to the Collector but have so far received no reply.

Dr. NALINAKSHA SANYAL: On the question of facts, Sir, I may state that a report appeared in the "Amrita Bazar Patrika" day before yesterady, giving details of how in a particular case when Khan Bahadur Khaimuddin Chaudhury was doing some protection work at his own expense, he was prevented from doing so by a notice——

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Who served that notice?

Dr. NALINAKSHA SANYAL: The Subdivisional Magistrate. The order was communicated from the District Magistrate's office and the Subdivisional Officer has served it.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Under what section?

Dr. NALINAKSHA SANYAL: I am not very definite about the section.

Mr. SPEAKER: Is your adjournment motion merely based on newspaper reports?

Dr. NALINAKSHA SANYAL: I got the information first from newspaper reports but thereafter I went to the Press to get in touch with the actual letter to find out the source of the information and thereafter I myself sent a telegram to get the correct information and I have got a reply thereto.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: May I know from whom?

Dr. NALINAKSHA SANYAL: I think the Hon'ble Minister does not want to know his name; he is a representative of the United Press who has wired to me and I have got the full text of the local Magistrate's order.

Mr. SPEAKER: Dr. Sanyal, do you take responsibility for that?

Dr. NALINAKSHA SANYAL: If the Hon'ble Minister has nothing to contradict what I say——

Mr. SPEAKER: But you must take responsibility in the matter.

Dr. NALINAKSHA SANYAL: Of course, I do, because after taking so much pains to get information I have to take responsibility. In fact I have spent money and had sent a telegram. (Laughter.). Further, Sir, I am informed by the Kazi Sahib, who has come from the place only this morning, that the facts are as I have stated, and he confirms this information. (Mr. SANTOSH KUMAR BASU: The Opposition moves more quickly than the Government!)

Mr. SPEAKER: In the circumstances I hold that on this issue relating to the erosion of a river the action of the Magistrate in stopping the protective work, which might jeopardise the life and property of the people, is a matter in the interest of public policy. So far as our rules are concerned, they are quite definite and specific, and I hold that this adjournment motion is in order. The only question now is whether it has the leave of the House. Is there any objection? (Cries of "No, no"!) There being no objection, I admit the motion.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I object, Sir.

Mr. JOGESH CHANDRA GUPTA: Were you asleep so long?

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir,——

Mr. NIHARENDU DUTTA MAZUMDAR: Is it a point of order regarding the ruling? (Laughter.)

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that so long as you are on your legs we cannot make any representation and we cannot say "yes" or "no" or make any statement. We had no opportunity to object before. I submit, Sir, that if we had been given an opportunity to object, we would certainly have objected. (Cries of "Very clever" from Congress Benches.)

Mr. SPEAKER: I am afraid, Sir Nazimuddin, you are mistaken. The motion was first raised by Dr. Sanyal and on that I asked him what were the facts After Dr. Sanyal gave the facts, I asked the Hon'ble Minister in charge as to whether he had got anything to say about it On that the Hon'ble Minister did not say anything about the question of admissibility or on the question of fact, and then he said that he had got absolutely no information on the point. After that I asked Dr Sanyal as to whether he took responsibility for his statement of facts Dr Sanyal made a detailed statement accepting responsibility Thereafter, the next step for me was to ascertain whether the motion had the leave of the House. I did so, and as there was no objection I admitted the motion. I take it that Hon'ble Ministers take much quicker steps to find out in between whether anything wrong is being done to them I hope honourable members will admit that before admitting the motion I did ask whether it had the leave of the House

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, we do not object.

Mr. SPEAKER: I must decide finally whether the motion is in order or not, and if I am satisfied on the statements made I am perfectly willing to give a ruling on any question in issue. (Cries of "Hear, hear" from Congress Benches.) As a matter of fact, I went so far as to ask both sides about what they had to say and then I asked whether Dr. Sanyal had the leave of the House to move his motion, and there was no objection from any side. There being no objection, I hold that the motion is in order, and I fix 6-30 p.m. as the time when the motion will be taken up to-day.

We shall now take up the Calcutta Municipal Bill.

Mr. SIBNATH BANERJEE: What about my adjournment motion, Sir? Can I move it to-morrow?

Mr. SPEAKER: That has fallen through.

GOVERNMENT BILL.

The Calcutta Municipal (Amendment) Bill, 1939, as amended by the Bengal Legislative Council.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to move that the amendments made by the Bengal Legislative Council to the Calcutta Municipal (Amendment) Bill, 1939, be taken into consideration.

The motion was put and agreed to.

Mr. SPEAKER: Now under the rules I may draw the attention of honourable members that if a motion that the amendments be taken into consideration is carried, the Speaker shall put the amendments to the Assembly in such manner as he thinks most convenient for their consideration.

Dr. NALINAKSHA SANYAL: Before you come to that, Sir,——

Mr. SPEAKER: First I should tell the House that the amendments made by the Council are that the word "eight" in sub-clause (2)(*b*) of clause 3 be substituted by the word "four" and that all the words beginning with "of whom" in line 2 and ending with "shall be appointed" in lines 3 and 4 be omitted. These are the two changes made in the Calcutta Municipal (Amendment) Bill. I should add that two inverted commas in clause 5 have been added.

Mr. SANTOSH KUMAR BASU: Everything is inverted! (Laughter.)

Point of Order.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. We had sent in a number of amendments to this Bill that has come back to us from the Council in a modified form and we have drafted our amendments very carefully with a view to make them admissible under the rules. Sir, the rule in this connection is section 79——

Mr. SPEAKER: Will you specifically raise one motion?

Dr. NALINAKSHA SANYAL: Yes, Sir. I would draw your attention to one thing. As the Hon'ble the Chief Minister as well as the Hon'ble Minister in charge had explained to the House, we had taken it that the proposal as to the number of councillors, elected and

nominated, formed one complete whole in the proposals made by Government; and, Sir, the proposition of providing seven seats for the Scheduled Caste members was also an accepted principle in this House. The question that we had a difference of opinion on was with regard to the process of getting these Scheduled Caste members elected or nominated as councillors of the Corporation and here, Sir, we in the Opposition thought that they should be elected, whereas Government felt that a portion might be elected and a portion nominated. That was the position, Sir. Now that there is a suggestion that the number of nominated seats may be reduced and the nominated Scheduled Caste members be wiped off, obviously the only other course, namely, providing the Scheduled Caste members with seven seats under election comes in. Therefore, in accordance with the rules, we had consequentially moved that the number of elected seats be raised from 85 to 89 or to 88 if the House so desire: that is why I submit that my amendment No. 16, namely, that in clause 3, line 2, for the word "eighty-five" the word "eighty-nine" be substituted and my amendment No. 17, namely, that in clause 3, line 2, for the word "eighty-five" the word "eighty-eight" be substituted, may be found by you to be in order by increasing the number of elected seats. Otherwise, it may be the intention of the Legislature to reduce the total number of seats, and to omit one kind of recruitment from the Act. Therefore, my submission is that this is a pointer and these amendments should be considered as alternative and also as relevant from the point of view of that particular rule.

Mr. SPEAKER: I do not like to allow any long debate on it. I hope, the House can rest assured that I have tried my best to interpret this rule as favourably as possible with a view to allow all sorts of opinions to be reflected in the proper place. But I am fortunately in the position that I have to confine myself within the scheme of the rule as a whole. If I have to accept the interpretation given by Mr. Basu, then I think, every section has to be reopened. I fear, I cannot do so. Under the rules, I have to determine what is the subject-matter of the amendments.

Dr. NALINAKSHA SANYAL: Sir, may I submit one thing——

Mr. SPEAKER: I am afraid, I cannot allow any discussion.

Mr. SANTOSH KUMAR BASU: May I in support of the contention put forward by Dr. Sanyal and with reference to the amendments of which I have given notice say that this entire clause with all its sub-clauses hangs together. Although in sub-clause (*1*) the number of elected seats has been mentioned and in sub-clause (*2*) the number

of nominated seats has been mentioned in (*b*), I would submit that according to the ruling that you had given when this matter was under discussion originally in this House, the question of nomination is intimately connected with the question of the total number of seats in the Corporation. Now, Sir, I would remind you——

Mr. SPEAKER: I do not think I said that.

Mr. SANTOSH KUMAR BASU: I am sorry I have not got that report with me now. I may remind you that this matter came up before you when Mr. J. C. Gupta suggested that the question of elected seats might be held over and might not be put to the vote unless and until the question of nomination was finally decided upon and, you said that other questions need not be held up but the question of the total number of elected seats should legitimately be held up before the question of nomination was decided, because on the number of nominated seats ultimately decided upon depended the total number of seats and the number of elected seats. I have not got the report before me, but I definitely remember that you allowed Mr. Gupta's objection and held back the question of the total number of elected seats until and unless the question of nominated seats had been decided upon. It is on that basis that I have formulated all these amendments and suggested that the total number of elected seats might be increased and also the allotment of these elected seats to the different constituencies mentioned in the schedule. I am surprised to find that all these amendments have been held to be not in order. Now, Sir, having regard to the decision that you previously gave on this question and also to the fact that you had actually given effect to that decision by keeping back the question of the number of elected seats unless and until the question of nomination was decided, I submit that the same policy and the same principle should be followed now, and we should be allowed to add these seats which have been released from nomination to the elected seats and to distribute these amongst them. From that point of view I would ask you to hold that clause 3 stands by itself and different sub-clauses of clause 3 hang together and are dependent upon each other and the question of elected seats has got a direct and definite bearing on the question of nomination, and is certainly consequential, if not alternative, to the question of the number of nominated seats.

Mr. SPEAKER: I do not think that during the last few days anything has worried me more than the question of the admissibility of these motions. I might at the first instance draw the attention of the House that section 5 of the substantive Act, namely, the Calcutta Municipal Act of 1933, which is sought to be amended by section 6

of the amending Bill is this: The Corporation shall consist of so many elected Councillors and so many Councillors to be appointed by Government. Now I have no definite recollection about the point which Mr. Basu has raised. But the issue then was quite different. It was not a legal issue then. The point that was raised before me was this: In view of the fact that the ultimate strength might depend upon the extent to which the nominated seats might be taken by one community or another, it was desirable that the whole thing should be left over. For the time being I am not concerned with the political issues in question; I am only concerned with the interpretation of the rules that stand. In the rule the words are "consequential" or "alternative." I hope Mr. Basu will kindly see the first part, namely, "further amendments relevant to the subject-matter of the amendments." Therefore, the primary thing by which I have to govern myself in admitting a motion is as to whether the amendment which is to be moved further is relevant to the subject-matter of the amendments passed by the Council. That is the first test which I have to apply, namely, whether the amendments which are proposed in the House are relevant to the subject-matter of the amendments passed by the Council. Now, if I am satisfied that this is relevant to the subject-matter, then I have to allow the consequential and alternative amendments. If that is so, I have purely to confine myself as to what the subject-matter is. For the time being, I am merely concerned with the subject-matter of the amendment passed by the Council, and the subject-matters of the amendments before this House are two: (1) whether "8" should be substituted by "4" and (2) whether the clause about the number of nominated seats for scheduled castes should be deleted.

Mr. SANTOSH KUMAR BASU: Sir, I am very much obliged to you for making this concession that this question has given you a great deal of trouble and worry. So, it shows that it is not at all free from doubt. There is some amount of difficulty; otherwise it should not have given so much worry to you, conversant, as you are, with the rules and procedure——

Mr. SPEAKER: I might tell you this much that I was worried so long as I did not see the first part which related to the subject-matter.

Mr. SANTOSH KUMAR BASU: Sir, you have been pleased to draw attention of the House to section 5 of the original Act. That section itself will show that these are all inter-dependent clauses inasmuch as section 5 purports to lay down the total strength of the Corporation. If we found that the number of nominated seats had formed the subject-matter of different sections of the Act, then the point of

view that you have been pleased to adopt might have had some effect. But as you see, it is one single section and the different clauses and sub-clauses deal with the total strength of the Corporation relating to the number of seats under different heads, so that from that point of view it is definitely inter-dependent and if it is considered necessary to bring about any change under one sub-head—it must necessarily react upon other sub-heads. I am drawing your attention to this aspect of the matter particularly because all these different clauses are contained in one section. If it is suggested that 8 or 9 nominated seats should be omitted altogether, then it might be the intention of the Legislature to keep up the proper strength of the Corporation.

Mr. SPEAKER: I have very carefully considered this matter and for the time being I hold that every amendment which is relevant to the two subject-matters of the amendment is in order. The two subject-matters are (1) the word "eight" be substituted by the word "four" (any alternative to four or any consequential word will be admissible) and (2) "of whom three shall be members of the Scheduled Castes and the remainder shall be appointed." Anything which is relevant to these matters or alternative to these matters will be admissible. Therefore I hold for the time being that other amendments which try to reopen sections other than 3 are not in order.

Dr. NALINAKSHA SANYAL: I admit your interpretation, but unfortunately on your own interpretation I beg to submit that so far as the matter of the representation of Scheduled Castes members is concerned, that is a fit matter for discussion and alternatives may be suggested thereon.

Mr. SPEAKER: Within this amendment. The subject-matter of the amendment is the reservation of the Scheduled Castes seats in the appointed list, and anyone can suggest any alternative.

Dr. NALINAKSHA SANYAL: The subject-matter is the provision of seats for Scheduled Castes members in the Calcutta Corporation.

Mr. SPEAKER: No.

Dr. NALINAKSHA SANYAL: May I draw your attention to the original Bill——

Mr. SPEAKER: Here we are considering a Bill coming from the other House. We will deal with the detailed amendments which have been made by the other House and anything relevant to the amendments made by the Council is relevant. If you can satisfy me that it

is relevant to substitute eight by four and if you can satisfy me that the reservation of something else may come in, I will certainly allow it; otherwise not.

Dr. NALINAKSHA SANYAL: I submit that two alternatives are contemplated in the rules. One is the amendment consequential on the changes effected in the Council and the other is the alternative to the proposed amendment by the Council and both these clauses are governed by the general limitation, namely, that they must be relevant to the subject-matter of the amendment.

Mr. SPEAKER: What is the subject-matter of the amendment?

Dr. NALINAKSHA SANYAL: The subject-matter of the amendment is the provision for the representation of Scheduled Castes.

Mr. SPEAKER: In the appointed list.

Dr. NALINAKSHA SANYAL: No.

Mr. SPEAKER: Anyway, I hold that the amendment is not in order. I can assure you, Dr. Sanyal, that I have always tried to be true to the rules in my interpretation. I have tried my best to find out whether your amendment and the amendment of Mr. Basu can be, by any stretch of imagination, held to be in order. It may be that my interpretation is faulty, it may be that my arguments are faulty, but for the time being this is my interpretation.

Dr. NALINAKSHA SANYAL: May I submit that in view of what you have said just now you will allow short-notice amendments?

Mr. SPEAKER: Certainly I shall be quite pleased to consider them on their merits.

Dr. NALINAKSHA SANYAL: There is this fundamental difference in outlook between you and ourselves——

Mr. SPEAKER: I am quite prepared to consider the amendments.

Dr. NALINAKSHA SANYAL: May we not get some light from the Hon'ble the Minister-in-charge after he and the Chief Minister had on the floor of the House stated that the whole scheme was one complete whole and they would not change even a comma or a semicolon or any word here or any word there. That was exactly the statement made by the Hon'ble Minister when I proposed an extra seat for ward No. 7.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Does he mean to say that I made a statement?

Maulvi ABU HOSSAIN SARKAR: Before the amendments are taken I beg to rise on a point of order. I draw your attention to section 79 (*1*) of the Rules and Standing Orders which says that if a motion that the amendments be taken into consideration is carried, the Speaker shall put the amendments to the Assembly in such manner as he thinks most convenient for their consideration. You are pleased to put the amendments but I submit that the word "put" has got a peculiar meaning in the legislature. It means taking the decision of the House also. Therefore I submit that mere placing the amendments to the House is not sufficient. You will please take the decision of the House also on the amendments.

Mr. SPEAKER: I am sorry; I do not agree.

Mr. C. GRIFFITHS: I beg to move that in clause 3(*2*) for the proposed clause (*b*), the following be substituted:—

> "Eight Councillors to be appointed by the Provincial Government of whom three shall be members of the Scheduled Castes and one from the Anglo-Indian community, and the remainder shall be appointed."

Mr. Speaker, Sir, in moving my amendment I must once again point out the great injustice done to the Anglo-Indian community in allotting us two seats only in the Calcutta Corporation on the basis of numerical strength, and not merit.

The old proverb says "Truth is the daughter of Time." And Time has now revealed the treatment meted out to us. This must attract the attention of every member in this House, after the recent Hindu deputation to the Governor over the services ratio, when they based their claims on merit.

The Moslems who are 55 per cent. of the population in Bengal have agreed to accept 50 per cent. of the appointments in the services; the Scheduled Castes who are 18 per cent. of the population have been given 15 per cent. of the appointments, provided they are qualified, thus we have 35 per cent. set aside for the General Constituency which makes up the balance 27 per cent. of the population, and of this the caste Hindus are about 25 per cent.

Therefore, Sir, if the Moslems and Scheduled Castes who total 73 per cent. are agreeable to accept 65 per cent. and surrender 8 per cent. of the whole or 10 per cent. of their dues on a population basis, to allow for others in the General Constituency, who may be equally or better qualified, why can't the Hindus and Moslems in the same spirit of democracy meet the Anglo-Indian claims in the Calcutta Corporation?

Sir, is there to be no justice for the minorities? Are not the members of this House under an obligation to the people to do what is just, fair and reasonable? Or must we be found wanting in the words of the Prophet for Mohamed said "Two things I abhor: the learned in his infidelities and the fool in his devotions."

Surely we should not be found wanting after the courageous and magnanimous promise made by the Premier, the Hon'ble Mr. A. K. Fazl-ul-Huq, who said "As regards the Anglo-Indian community we have made a beginning by recognising their political existence as a community, and allotting two seats to them. But if they are of opinion that this representation is inadequate it is certainly not the last word on the subject. Government will be prepared to consider any representation that will be made on behalf of the Anglo-Indian community not merely regarding the method of representation but also the quantity of representation in the Calcutta Corporation."

We therefore feel sure of Moslem support in this matter and fail to see any reason why the Caste Hindus will refuse us their support to get a just quota in the Corporation based on merit since they based their claims in the services on merit.

But if it is the political question that is worrying the leaders of the two opposite parties, then what can be fairer than for the Government party which in the main are Moslems, to nominate an Anglo-Indian, and for the General Constituency which in the main are Caste Hindus to set aside a seat for Anglo-Indians, and through the influence of these men to try and win over the two independent Anglo-Indians who will hold their seats by election without the help of either Moslem or Hindu. This will place us somewhat in the same position as the Scheduled Castes, who to-day are being wheedled by both parties, while we find the European Group standing together and keeping aloof to hold the balance. It is nothing but natural that the minorities will stand by the major group, which is in sympathy with their needs and aspirations. It is gratifying to note that a Moslem gentleman has voiced the cause of the Anglo-Indians, for which we are grateful, but we are rather disappointed to find that no Caste Hindu has done so.

With these few words I move my amendment for a nominated seat and I trust the House will support it. (Applause.)

Mr. SYED JALALUDDIN HASHEMY: Sir, I rise to oppose the motion. I am in entire sympathy with Mr. Griffiths when he says that one Anglo-Indian member should be nominated by Government. So far I agree with him and I am quite prepared to give him that concession. The demand is entirely legitimate but with regard to his suggestion that 8 councillors be appointed by the Provincial Government I cannot agree. This House after a careful consideration agreed to the proposal of Government that 8 seats should be given to the nominated

members, but the Bengal Legislative Council after a very careful consideration have reduced the number from 8 to 4. Sir, I for myself even do not agree that there should be four seats for nominated members. Sir, it is our declared policy that the system of nomination should be altogether abolished in local bodies. It is our declared policy not to-day. It was so three years ago. When we started our election campaign in the year 1936 we made it clear in our election manifesto that we would try our level best to do away with the system of nomination in local bodies. We expected that this Government under Provincial autonomy would give due consideration to the sentiments of the people of Bengal and Calcutta. The feeling against the system of nomination in the muffasil is known to every member of this House returned from the muffasil. The feeling is no less in Calcutta. Sir, if we claim to have any experience of the views of the rate-payers of Calcutta, I can at once say that almost cent per cent. of the rate-payers of Calcutta are against the system of nomination in the Corporation of Calcutta. The Corporation of Calcutta now consists of 92 members and under the present Bill it will be 98 members. Sir, I am definite that all sections, all special interests and minorities have been properly represented on the Corporation of Calcutta.

(At this stage the Adjournment Motion fixed for 6-30 was taken up).

Adjournment Motion

On Situation created due to Prohibition of Protective Work of Kurigram Town from Erosion.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the situation created by the action of the local Magistrate prohibiting the protective work of Kurigram town from erosion through the floods of the river Dharla.

Sir, I have the painful necessity of drawing attention to the serious state of affairs prevailing in Kurigram, through this Adjournment Motion and I trust the members of the Government would realise the seriousness of the situation and deal with the adjournment motion in the light of human consideration and in the light of public w which they proclaim are so dear to them. Sir, the House is fully aware that in the course of the Budget discussions we had made it perfectly clear that in various North Bengal and East Bengal towns the problem of problems is the danger of erosion. While in other parts of Bengal there is the problem of river training, there is the problem of decaying rivers and dying waterways, in East and North Bengal the problem is that

of erosion. How to save the population from the ravages of flood has been the greatest concern of people in those areas. Sir, in the Budget, in view of the serious state of affairs——

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: On a point of order, Sir. Can the honourable member refer to the policy of Government in respect of erosion? Should he not confine himself to the particular order of the Magistrate?

Mr. SPEAKER: The Adjournment Motion is only for the purpose of discussing a specific matter, namely, the order of the Subdivisional Magistrate regarding the stoppage of protective work and I think that, so far as that is concerned, he can refer to it.

Dr. NALINAKSHA SANYAL: I certainly do not intend to criticise Government policy so far as the Irrigation Department is concerned in regard to erosion. I only want to develop my argument as to how the action of the Subdivisional Magistrate has been so very severe and what serious effects it will have on the population. Sir, my honourable friend, now an Hon'ble Minister, knows it very well that human life and property are as dear to members of the Opposition and to people who do not belong to the Coalition Party as human life and property are to members of the Government and of the Coalition Party. In this particular case of Kurigram, it is a melancholy history of how the protection work, undertaken by Government sometime ago, work which was sanctioned and approved by Government, work for which this very Assembly had provided a very substantial sum of money, was abandoned, because it was discovered by some estimable members of the Coalition Party——

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: May I again draw your attention to the last statement of the honourable member, Sir? Is the honourable member in order in referring to the question of the abandonment of the protective work in moving the Adjournment Motion?

Mr. SPEAKER: I am afraid that the history of this bund is certainly to some extent relevant. I hope you will remember that the issue before the House is the order of the Subdivisional Magistrate and to what extent that order has brought about the present position. He is therefore entitled to make a historical survey.

Dr. NALINAKSHA SANYAL: I am surprised why my esteemed friend is so very touchy about this very important problem, particularly when he knows very well how strong feelings are maintained by the people of that locality, of whom he happens to be the

unfortunate zamindar and to whom he cannot give any relief. Sir, in that place, for years now, the river has been behaving in a manner very dangerous to the town. The people of Kurigram have been insistently approaching Government for saving them from the erosion. Observations were taken, experts devoted long hours, and heaps of papers were wasted to find out what should be the best scheme. A scheme was drawn up, and on the basis of the recommendation of these experts, I am sure.—and not on the basis of any imaginary formula—money was provided in the budget and sanctioned by the House. Thereafter the Dharla did not show any signs of receding from the town, and during the last winter people who were apprehensive of further trouble during this rainy season did make every effort to impress upon the Government the urgency of the protective work in the months of January, February, March and April. This was undertaken, and a part of the work was done. I am informed that a substantial part of the protective work was arranged for and nearly half the amount allotted in the budget was actually spent... (Babu NAGENDRA NATH SEN: More than half). I say, nearly, because there may be some question as to the actual figure. In this very House on the 22nd May last an attempt was made to draw the attention of Government to the seriousness of the situation and it was partly through your intervention and partly because of the informal assurances thereafter held out, this adjournment motion could not be pressed.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Disallowed, not 'not pressed.'

Dr. NALINAKSHA SANYAL: No, not pressed; it is our language, it is the language of the Opposition.

Thereafter, Sir, in reply to a question the Hon'ble Minister explained the circumstances under which the protective work was abandoned, and in reply to a certain supplementary question he gave us the assurance that the matter would again be investigated, and was pleased to give us the hint that we should not press the matter——

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I never gave any assurance.

Dr. NALINAKSHA SANYAL: Because that would probably make the matter worse. We waited and waited to find out that before the rainy season set in Government would make a move and take any measure to protect the few houses and the few buildings that are still lying near the brink of the river and that are seriously threatened with flood. But nothing of the kind was done.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: How long will the honourable member take to develop his point?

Mr. SPEAKER: A point is that which has existence but no magnitude. (Laughter.)

Dr. NALINAKSHA SANYAL: Thereafter, Sir, private members who lost all hope of getting redress and relief through the machinery of Government—although some of them are title-holders and have given good services to the Government in the past—have realised that from the present Government they are not going to get any relief. So they undertook the protective work at their own expense. Khan Bahadur Khairuddin Chaudhury is one of such unfortunate gentlemen who had pinned their faith in the Government in the past, but was disillusioned. He undertook protective work for his own house himself and also for the protection of the houses of some of his neighbours. He had not the good offices of the Government to advise him as to how best he could carry on the protection work and all that he could do was to get advice of local people, particularly of those who go about in the rivers and who have some knowledge of the course of the river in that area. In accordance with their advice, Sir, he undertook to put bamboo spikes in the river bed and had also a few old boats capsized near his house to protect his house from being destroyed by splashes of water. These are the two processes that he felt would give necessary protection. This was going on even when Government members were knocking near about. The Irrigation Department men saw it. They generally approved of it because they felt that when they were themselves helpless, it was not for them to stand in the way of private persons making an effort to protect their own household and property. I am informed that this Khan Bahadur had spent not less than Rs. 5,000 on this protective work. No estimate can be given like Government estimates, but of course if the amount of work is examined, the proportionate expenditure would work out to about the said sum on the same basis on which Government figures are obtained. In spite of the fact that he undertook the work himself and the local officers as well as the officers who claim to be experts under the Government had an opportunity of examining the work, no objection was raised in the beginning. This went on for a few weeks, and thereafter all of a sudden, last week end, he got a peremptory order asking him to explain why he had undertaken this protection work and was asked to show cause before the District Magistrate why he should not be legally proceeded against. Sir, it is a phenomenon that can only happen under the present Government. I shall come to the basic conclusion that I want to bring home to Government. It appears that Government have got a notion that certain rivers should

not have protective barriers on their sides. It is quite possible that they have got advice that without protection the rivers will behave in a better manner. I warn Government against such advice. I submit, Sir, that when we have got houses built and property—valuable property—on the sites, it does not lie on the part of Government to take such advice and to take risks through which human life and property would be endangered. There is yet time. I appeal to Government to revise their former decision and at least to direct the local Magistrate not to interfere with private persons or with the arrangements made for the protection of private properties and private lives.

Kazi EMDADUL HAQUE: Mr. Speaker, Sir, the Kurigram town protection scheme has been before the Government for a pretty long time, and, if I remember aright, the scheme received administrative sanction as far back as the year 1927, but for want of funds the work could not be taken up till 1936. In the year 1936, Sir Nazimuddin himself went to the locality, visited the spot, and ordered that the work should be taken up. The work was taken up accordingly—I mean the long overdue protection work at Kurigram. This protection work was done in 1936 with bamboo piling, technically known as fascine work. Unfortunately, Sir, it did not prove very successful; but nevertheless, it did not prove altogether abortive but partial success was ensured and this prevented to some extent the hastening of the ruination of the town. The protection work of the kind was also undertaken in the year 1937, with like result. In the year 1938 it was also arranged that the same process would be repeated, but the flood having risen early, it could not be done. The town was therefore thoroughly exposed and a great portion of it was swallowed by the river. After this, the portfolio came into the hands of the Hon'ble the Maharaja. The Maharaja also visited the locality and gave us advice, to the effect that no time should be lost in beginning the work in 1939. Early in 1939 the Maharaja was kind enough to receive a deputation of some influential gentlemen of Rangpur and Kurigram including my poorself. We waited on him and explained the matter fully, whereupon he came to the conclusion that the matter was urgent and should be expedited, as much as possible.

Provision, however, was made in the budget for the year 1939-40, and a sum of Rs. 85,000 was sanctioned for this work. But this time the protective work was not to be of the nature hitherto undertaken. It was to be done by brick-mattressing inasmuch as bamboo fascine work was not hopefully successful in previous years. Now having decided that the present protective work should be in the form of brick-mattressing, directly the budget was passed, the work was taken in hand in right earnest, everything went on briskly. Slope-cutting was made, all materials were brought to the site, wire nettings were

spread over nearly three-fourths of the place to be covered and bricks were interlaid and after having done all these things—and when three-fourths of the work had been done and only one-fourth of the work remained to be done and it was to be completed only with Rs. 7,000 as labour cost—we know not why all on a sudden the Government sent a wire to the local officers to discontinue the work.

Now, Sir, nobody on our side knew anything about the reason which led Government all on a sudden to stop the work. The people of Kurigram came to learn of the stoppage of the work only when the work was actually stopped by our benign Government! But what could the people do in their utter distress? They in their helplessness sent memorials to the Chief Minister and to the Hon'ble the Maharaja. The peoples' association, the town protection committee, the Muhammadan Association and the local branch of the Muslim League all joined hands. They sent representations—one after another—with a view to persuading the Government to complete the protective work, but, Sir, all those representations were cast to the winds. After that, private negotiations were going on, so that the gods might be propitiated.

Mr. SPEAKER: Mr. Haque, I am sorry to observe that you are dilating too much on extraneous matters. I hope you will confine your speech to the point at issue. (Mr. Santosh Kumar Basu: Let him say how the gods are propitiated!)

Kazi EMDADUL HAQUE: Sir, I am only developing my argument with a view to connect it with the matter under discussion. The Magistrate's unwarranted order has a long history behind it.

Now, Sir, when we tried our best to win the good feelings of the gods and of the members of the opposite side, we were told that some gentleman of the Coalition Party would visit the locality and send in a report to the Government on first hand knowledge and verily we found that our good friend, Khan Bahadur Al-Haj Maulvi Shah Abdur Rauf, who is just now sitting opposite me and who is no less a personage than the Vice-Chairman of the Rangpur District Board, and an Assistant Government Pleader went to the locality during the water-hyacinth week, inspected the site, and being thoroughly convinced expressed his wonder and gave us every hope that he would send in a report to Government supporting our just cause. He saw with his own eyes that three-fourths of the work had been finished, and already ten thousand rupees had been saved due to over estimate and he told us before a large assembly that ours was a good case and he would surely send in a favourable report so that the remaining one-fourth of the work might be finished. We do not know, Sir, whether he submitted

any report since then, but he told us that he would submit one. I distinctly remember that when I asked him about it, he told me that he had sent in a report supporting our cause.

(The House was then adjourned for fifteen minutes.)

(*After adjournment.*)

Kazi EMDADUL HAQUE: Sir, it is not understood why Government changed its mind all on a sudden and sent a wire for stopping the protective work at Kurigram. When the work was first started, both the Government and the local people were of one mind and were working together in sympathy, collaboration and co-operation. They were pulling on well and the work was carried on pleasantly and harmoniously; but yet all on a sudden the work was discontinued. It is really a mystery why this was done. Just fancy that in accordance with the wishes of the local officers many local people dismantled their houses in order to facilitate the protective work in the hope that the cradle of their infancy and the field of their professional career might be saved but they have now to suffer on account of stoppage of the work beyond any measure.

Sir, when the order for starting the protective work was communicated to the local officers at Kurigram, all sections of the people were united there—the Muslim League, the Muslim Association, the People's Association that is, people of all shades of opinion and creed forgot their differences, forgot that they belonged to different groups and joined together in their prayer for continuing this protective work to its finish, but all their attempts proved futile. Government were determined not only to discontinue the work but to let go the work that was so far done at an enormous expense of Rs. 47,000!

Now, Sir, originally it was decided that the work was to be taken up from as far up as Khan Bahadur Khaimuddin Chowdhury's house and the Khan Bahadur donated towards this protective work upon this assurance. But subsequently the Irrigation Officers of Government said that the amount was not sufficient to do the work up to his house; so certain portion—about 400 yards from the Khan Bahadur's land—had to be left out. But then the Khan Bahadur proceeded with a protective work of a different type at his own cost and with his own labour in order to save his house and property from destruction. He started this work as a matter of exigency with the full knowledge of the officials, local or otherwise and it proved to be of great help to the protective work undertaken by the Government rather than a hindrance to it. May I ask what made the Government then change its mind subsequently. I think, Sir, there is some motive behind this action,

otherwise there is no reason why after spending about Rs. 47,000—indeed not a paltry sum—over this work and after finishing three-fourths of the work it should be stopped all on a sudden.

Conclusion, however is irresistible that Government stopped the work purely and absolutely from a motive That motive is to undo its own work so far done to gratify the *end* of a local Coalition member. Indeed the protection work taken up by Government was not in any way interfered with by the protection work taken up by Maulvi Khaimuddin Choudhury but yet the Government decided that he would discontinue the work This is not because the work was harmful, but because the Government did not want that this protection work which was strengthening the Government protective work should be done and the Kurigram town saved. For the matter of that when the Government found that Khan Bahadur Khaimuddin Choudhury's work—

(Here the member having reached his time-limit resumed his seat.)

Mr. HARIPADA CHATTAPADHYAY: কুড়িগ্রামের ধরলা নদীর ভাঙ্গণ ব্যাপারে গভর্ণমেণ্ট যে নীতি গ্রহণ কোরেছেন তা জনসাধারণের স্বার্থের দিক দিয়ে দেখতে গেলে যেমন অহিতকর তেম্নি প্রাণঘাতী। এই নীতি গভর্ণমেণ্টের কোন একটা বিচ্ছিন্ন ব্যাপার নীতি নয়, আমরা দেখেছি - সকল ব্যাপারেই গভর্ণমেণ্ট এই নীতি গ্রহণ কোরেছেন। সুতরাং এদিকে আজ আমাদের অবহিত হওয়া উচিত। যারা জনসাধারণ, তাদের কল্যাণকর কাজ করবার জন্য তাদেরই ভোট নিয়ে এখানে আমরা এসেছি। এই air-conditioned বিলাস কক্ষে বোসে বক্তৃতা কোরে আর হাততালি দিয়ে জনসাধারণের কল্যাণকর সুশাসনের ব্যবস্থা যে এই পরিষদের সভ্যগণ কোরছেন না গভর্ণমেণ্টের এই নীতিই সেটা দেখিয়ে দিচ্ছে।

আমি বোলেছি— এটা বিচ্ছিন্ন নীতি নয়, গভর্ণমেণ্টের এই নীতি আরো কয় জায়গায় প্রযুক্ত হোতে দেখেছি। আমি দৃষ্টান্ত দিয়ে বিষয়টা দেখাবো। তাহলেই আপনারা বুঝতে পারবেন যে, হাজা মজা নদী সংস্কার নিয়ে অথবা বন্যায় বা নদীর ভাঙ্গনে যখন লোকের বাড়ী ঘর ভেঙ্গে নেয় বা ভাসিয়ে নিয়ে যায়, যখন তাদের শস্য নষ্ট করে, তখনো গভর্ণমেণ্ট সেখানে যেয়ে জনসাধারণের দুঃখ দুর্দ্দশা দূর করার জন্য নিদেরাতো কোন ব্যবস্থা করেনই না বরং অপরে কোরতে গেলেও বাধা দিয়ে থাকেন। আমরা পল্লী বাংলা থেকে এসেছি, আমাদের সেই পল্লী অঞ্চলে প্রচলিত একটা কথা এখানে বেশ খাটে, কথাটা হচ্ছে, "ভাত দেবার কুটুম্ব নয় নাক কাটবার গোঁসাই"। (Laughter) এখানে বক্তৃতার মুখে অনেকেই অনেক বড় বড় কথা বোলে বসেন কিন্তু প্রকৃত কর্ম্মক্ষেত্রে দেখা যায় যে, সবই ফাঁকা বুলি। কালিগঞ্জার ভাঙ্গনের ব্যাপারে পদ্মনদীর বাঁধের বেলায় গভর্ণমেণ্টের সেই নীতির পরিচয়ই আমরা পেয়েছি। আমি নিজে সেখানে গিয়েছিলাম প্রায় ২৫ হাজার লোক নিয়ে সভা কোরে ঠিক হলো বাঁধ দিতে হবে। গভর্ণমেণ্টকে——

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid that is not true.

Mr. HARIPADA CHATTOPADHYAY: মহারাজা, আপনি একটু অপেক্ষা করুন। আমি নিজে আপনার কাছে গিয়েছিলাম। যেমন কুড়িগ্রামে ধরলা নদীর ভাঙ্গনের ব্যাপারে গভর্ণমেণ্ট কোন ব্যবস্থা কোরছেন না, ঠিক সেই রকম পদ্মনদীর বাঁধের বেলায়ও গভর্ণমেণ্ট কোন ব্যবস্থাই করেন নাই। সেই জন্যই আমি যে বোলেছি যে, সর্ব্বত্রই গভর্ণমেণ্টের একই নীতি—

Mr. SPEAKER: I am afraid, Mr. Chatterji, you are not restricting your remarks to the point at issue. You may speak generally.

Mr. HARIPADA CHATTOPADHYAY: কিন্তু সভাপতি মহাশয়, আমি বোলছি—গভর্ণমেণ্টের এই যে নীতি যে, যখন সহর গ্রাম ভেঙ্গে যাবে তখন নিজেরাও কিছু কোরবেন না আর অন্যকেও কিছু কোরতে দেবেন না, এই নীতিটা পদ্মনগরের বাঁধের বেলায়ও গভর্ণমেণ্টকে অবলম্বন কোরতে দেখেছি। সেখানেও ২৫ হাজার লোক মিলে সভা কোরেছিলেন, District Board এই বাঁধের ব্যাপারে একদা ছয় হাজার টাকা খরচের ব্যবস্থা কোরেছিলো, কিন্তু কিছুদূর অগ্রসর হোয়েই তারা ছেড়ে দেয়। মন্ত্রী মহাশয়ের সঙ্গে দেখা কোরে পদ্মনগরের বাঁধের সম্বন্ধে অনেক বোলেছিলাম—তিনি বোলেছিলেন আপনারা কি কোরেছেন—এবারকার বর্ষা পার হোয়ে যাবে——

The Hon'ble Maharaja SRISHCHANDRA NANDY, of Cossimbazar: I am sorry to say that that is not a correct statement of facts.

Mr. HARIPADA CHATTOPADHYAY: সেখানে গ্রামবাসীরা সকলে মিলে ঐ বাঁধের কাজটা কোরেছে। এমনকি কুমোরেরা, যারা নাকি মাটির কাজ কোরতে যায়নি, তারাও বাঁধের কর্ম্মীদের জল দেওয়ার জন্য অনেকগুলি কলসী দিয়েছে, এই রকমে স্থানীয় জনসাধারণের বিপুল চেষ্টা ও ত্যাগে বাঁধ বাঁধা যখন হোয়ে এলো তখন হঠাৎ কোরে একদিন এক নোটিশ গিয়ে উপস্থিত যারা নাকি ঐ ব্যাপারে প্রধান উদ্যোক্তা ও উৎসাহী, তার মধ্যে ৪ জনের উপর নোটিশ দেওয়া হল। স্থানীয় জমিদার অশ্বিনী চৌধুরী এবং অন্য ৩ জন কর্ম্মীর উপর তার মধ্যে একজন মুসলমানও আছেন। এবং মুসলমানদের গ্রামই সেখানে বেশী বিধ্বস্ত হয়, তাদের আউস ধান বিনষ্ট হয়, পাটগুলি বিনষ্ট হয়, এখন সেগুলি বড় বড় হয়েছে এখন ওরা তাল তুলেছেন বাঁধ ভেঙ্গে দাও যাতে নদীয়ার এই প্রান্ত থেকে যশোহর পর্য্যন্ত ৫।৬ শত গ্রামের সর্ব্বনাশ হয়। যখন মৌলবী সামসুদ্দিন সাহেব মন্ত্রী ছিলেন তাঁকে সম্বর্দ্ধণা কোরে তাঁর কাছে ঐ অঞ্চলের জনসাধারণ তাদের দুর্দ্দশার কথা জানিয়েছিলো, এবং তিনিও ব্যক্তিগতভাবে বোলেছিলেন "এ বাঁধ বেঁধে দিতে হবে, এর জন্য আমি চেষ্টা কোরবো।" তার পরে অবশ্য তাঁর সৌভাগ্য বশতঃ এবং আমাদেরও সৌভাগ্য বশতঃ তিনি আর মন্ত্রীমণ্ডলীতে থাকলেন না। যাঁরা সেখানে এখন বোসে আছেন, কথায় কথায় সরকারী——

Mr. Speaker: Mr. Chatterji, you must confine yourself to the point at issue.

Mr. HARIPADA CHATTOPADHYAY: সভাপতি মহাশয়, কুড়িগ্রামের যে ব্যাপার সেই ব্যাপার সম্বন্ধেই আমি আর একটা দৃষ্টান্ত দিয়ে গভর্ণমেণ্টের নীতির বিশ্লেষণ কোরছি। হাজা মজা নদীর সংস্কারের দিকে কোন নজর নেই যত ছুরো জিনিষ নিয়ে টানাটানি কোরে সাধারণের প্রাণ আরও উদ্‌ব্যস্ত করে তুলছেন। নদীর মধ্যে যে বাধার সৃষ্টি হচ্ছে সে দিকে লক্ষ্য নেই। Hardinge Bridge বাঁচাতে গিয়ে কোটী কোটী টাকার পাথর পদ্মার মধ্যে ফেলা হল। দিনের পর দিন wagon এর পর wagon গিয়ে সেখানে পাথর ফেলছে। বড় বড় পাহাড় পর্য্যন্ত উড়ে গেল পদ্মার গর্ভে। ও পাথরগুলি প্রবল স্রোতে গোরাই নদীর মুখে তাজবেড়ে পর্য্যন্ত চলে এসেছে। নদী যে মরবে তাতে আর আশ্চর্য্য হবার কি? এদিকে লক্ষ্য নেই, লক্ষ্য কেবল কে নদীর ভাঙ্গা পাড়ে বাঁধ দিল। বলি নদীর পাড় ভেঙ্গে বহা ত স্বাভাবিক পথে বহা নয়। তবুও কেন লোকের পেছনে লাগা। পাছের গোড়া নিজেরাই কাটছেন আর

আশায় চাহিয়াছেন জল। জল নিকাশের ব্যবস্থার, আর বন্যা নিবারণের কি চমৎকার ব্যবস্থা। একেবারে "জ্ঞান ভানতে শিবের গীত"। জনসাধারণের প্রতি, তাদের কল্যাণকর কাজের প্রতি গভর্ণমেণ্টের ঔদাসীন্য ও অবহেলার ফলে আমাদের বাংলা দেশের পল্লীগ্রামগুলি আজ প্রেতভূমিতে পরিণত হচ্ছে, আর আমরা এখানে বোসে দিনের পর দিন বক্তৃতা দিচ্ছি, করতালি দিচ্ছি আর বাহবা দিচ্ছি। গ্রামের লোক খেতে না পেয়ে যখন hunger march করে আমাদের so-called Government তার কি সব ব্যাখ্যা কোরে থাকেন তা আপনারা সবাই জানেন। আজ দেশের অবস্থার দিকে তাকিয়ে——

Mr. SPEAKER: Order, please. I am afraid, Mr. Chatterji, I shall have to rule you out of order if you do not discuss on the relevant point. You are not speaking about Kurigram.

Mr. HARIPADA CHATTOPADHYAY: আমি ঠিকই বোলছি সভাপতি মহাশয়, পদ্মনগরের বাঁধের ব্যাপার হচ্ছে ৫।৬ শত খানা পাড়াগাঁয়ের ব্যাপার, আর কুড়িগ্রামের হচ্ছে সহরের ব্যাপার। কিন্তু এই দুটী স্থান সম্পর্কে গভর্ণমেণ্টের নীতি একই। কুড়িগ্রামে গভর্ণমেণ্ট স্বয়ংতো কাজ বন্ধ কোরে বসে আছেনই স্থানীয় একজন খান বাহাদুর নিজের বারে বালি বোঝাই নৌকা ফেলে ও বাঁশ দিয়ে বাঁধ বেঁধে ধরলা নদীর ভাঙ্গন বন্ধ করার কাজে হাত দেন ডাঃ সান্যাল বোলেছেন যে, একাজে তাঁর প্রায় পাঁচ হাজার টাকা খরচ হোয়ে গেছে। এত টাকা ব্যয়ের পর কোথায় সেই ব্যক্তিকে প্রশংসা কোরবেন না তার বদলে আমাদের সদাশয় গভর্ণমেণ্ট তাঁর মুণ্ড পাত করার জন্য তাঁর বিরুদ্ধে নোটিশ জারি কোরেছেন। নিজেরা ৮৫ হাজার টাকার স্কীম কোরে বাজেটে খরচ পাশ করিয়ে নিয়েছেন। তার পর তা থেকে ৪৮ হাজার টাকা খরচ কোরে, হঠাৎ হাত গুটিয়ে বোসেছেন। এই রকম ভাবে গোড়া কেটে আগায় জল ঢালার ব্যবস্থাই গভর্ণমেণ্ট প্রায় সবক্ষেত্র অবলম্বন কোরছেন। ভাঙ্গা, মজা নদীগুলির উপযুক্ত সংস্কার সাধন, এবং নদীর ভাঙ্গন থেকে আমাদের দেশের গ্রাম ও সহরগুলিকে রক্ষা করা এসব যদি জনকল্যাণের ভয়ানক সমস্যা না হয়, তাহলে কি যে সমস্যা তা বুঝি না। ওঁরা মন্ত্রী হোয়ে এখন আর গরীবের দুঃখ দুর্দ্দশা বোঝেন না, এই air-conditioned hall এর বাইরে যে সব বুভুক্ষিতের দল, যারা খেতে পাচ্ছে না, ক্ষুধার তাড়নায় যারা আজ hunger march কোরেছে গভর্ণমেণ্টকে আজ তাদের so-called hunger marcher বোলে উপহাস কোরতে দেখে আমরা অবাক হোয়ে ভাবি—এরি নাম প্রতিনিধিমূলক শাসনতন্ত্র? ব্যুরোক্রাটিক গভর্ণমেণ্টের আমলে এ ধরণের পরিহাসে আমরা কিছু আশ্চর্য্য বোধ করিনি, কিন্তু আমাদের নির্ব্বাচিত প্রতিনিধিদের মুখেও তাদেরই বুলি শুনি আর মনে হয় জনকল্যাণের দিক দিয়ে এ সরকারের নীতি কখনো কার্য্যকরী হোতে পারে না। যতই চুল-কামের চেষ্টা এঁরা করুন না কেন কিছুতেই এঁদের মূল নীতি ঢাকতে পারবেন না। সেই জন্য, আমার মনে হয় হিন্দু-মুসলমান নির্ব্বিশেষে, দল ও সম্প্রদায় নির্ব্বিশেষে এই প্রস্তাব support করা উচিত, এবং সমর্থন কোরে জানিয়ে দেওয়া উচিত—যে, দুর্ভাগ্য, বন্যা, ম্যালেরিয়াগ্রস্ত দরিদ্র লোকদের দিক থেকে সরকারের যে নীতি—সে একান্ত নিন্দনীয়।

Mr. SHAMSUDDIN AHMAD: Sir, I am very sorry that this matter has been the subject matter of discussion this evening by this House. I know, Sir, this Dharla affair; I had been to that place and I saw with my own eyes the devastations that were being caused by this Dharla river. From the statement of Kazi Sahib I can very well understand that about Rs. 47,000 has been spent on protection work. But I do not know for what reasons Government took it into their

heads to stop the protection work from being extended. Sir, I happen to know something about this grant of money of Rs. 85,000. I was in the Cabinet then. I do not want to discuss what took place in the Cabinet but after a long discussion and deliberation, taking everything that could be said on both sides into consideration, viz., why the protection work should be undertaken, what were the reasons against the protection work being taken up and why should so much money be spent on the protection work against destruction by the Dharla river, it was decided in the Cabinet that Rs. 85,000 should be spent on protection work. Sir, Government should have a policy and a consistent policy. I fail to understand how this work which is not only humanitarian work but an urgent work that should have been taken up by Government long before—I do not know why the work was stopped at a time when good money of the people to the extent of Rs. 45,000 was spent. What were the reasons, people do not know and I shudder to think what would be the consequences of the flood that would be caused by the overflow of water when the flood season will come I do not know, Sir, whether the reasons are political. I know, as a matter of fact, that Kazi Emdadul Haque was the man who was behind this move. Because Kazi Sahib happens to be in the opposition, possibly it might have entered into the heads of those who are ruling this province that if this work is done, if this beneficent work is done, if this humanitarian work is done and if the homes and properties of thousands of that place be saved, possibly the credit of that work would go to Kazi Emdadul Haque. I do not know the reason, but it is shameful for Government to stop the work after having done half the work. Sir, Kurigram is a town. I remember there was a discussion. Government properties are also involved in it. Supposing these properties are destroyed, Government will have to build another town. They will have to spend large sums of money for that. I know, as a matter of fact, the question of shifting Noakhali headquarters has been pending for a long time. Engineer after engineer went there. Minister after Minister went there including the Hon'ble the Chief Minister. Up till now there has been no decision. I know that this protection work, so far as the Dharla river is concerned, must be taken up. It is bound to be taken up. Supposing Government do not take it into their head to have that protection work, Kurigram will be washed away. Government will have to build another town. Government will have to build houses to accommodate courts and other offices. People who have houses in Kurigram will have to shift themselves to another place where Government would choose to build the Subdivisional headquarters. Sir, these were the reasons and many others were talked of why this protective work should be taken up.

Sir, I cannot say that the District Magistrate did it as a whim or out of caprice; it must be part of a consistent policy. I cannot just at the present moment put the whole blame on the shoulder of our friend

over there, the Maharaja Sahib of Cossimbazar, but I can visualise the consequences of the step that Government have taken. Sir, I found the Maharaja Sahib sometimes to flare up when the policy of Government was being discussed. I shall listen with rapt attention and give my closest consideration to what will come from the Maharaja Sahib as to the reason why he took it into his head to stop this work. Sir, the Khan Bahadur is a man who was in the good books of Government and I thought that for his good humanitarian work he would be Knighted overnight but I find that instead of being Knighted, he has been served with a notice as to why he should not be legally proceeded against. If this be the policy of the present Government, the sooner that policy is abandoned and the man who is behind it makes room for another the better; it will be not only to the credit of the people of this province, but will also be so from the point of view of humanity, from the point of view of goodness, from the point of view of good administration, and from the point of view of the future of the whole nation. I do not want to take much time of the House (A VOICE FROM THE COALITION BENCH: Thank you) Yes, I would only say this that my thanks are overdue I thank you all for the patient hearing that you have given me in spite of your heart-burning But all the same I believe the time has come when senses should dawn on this Government and the administration, including those who are sitting on their right and supporting them, and they should know how, irrespective of the men who are in the Opposition, irrespective of the men who believe not in their ways of thinking, a policy of Government should be conducted on lines which may be even different from those they are thinking of I again thank the members of the House for the rapt attention with which they have given me a hearing

Mr. JATINDRA NATH CHAKRABARTY: Sir, in 1936 the Hon'ble Minister was convicted of the necessity of protection of the town, and in that year provision of Rs 48,000 was made in the budget; but owing to early rains it was given up Then in the budget of 1939-40 provision was again made and the work was taken up in February and continued up to the end of March, 1939, when all of a sudden the work was stopped by a telegram No reason was assigned why the work should be stopped Representations from various organisations of the town—Hindu and Muhammadan—were sent to the Hon'ble Minister and to other Ministers as well but without any effect. Then, Sir, when it was known that the work had been abandoned by the Government, this gentleman Khan Bahadur Khaimuddin took upon himself the work of protecting the town and he spent more than Rs. 5,000 by the middle of June I saw with my own eyes how he strove to make his attempt a successful one. He sank two country boats loaded with sand bags and dived *Sal* logs and bamboo spikes into the river, and the incomplete and abandoned protection work was

thus to a great extent done by this Khan Bahadur. But all of a sudden he was served with a notice to stop this work, and everybody was surprised as to the reason why the Khan Bahadur was asked to stop it. I have heard that orders have been issued for his prosecution as well—this is the state of things at Kurigram. If the Khan Bahadur be permitted to proceed with the work, then, Sir, we are sure that the abandoned protection work of the Government will be completed. But what prompted the Government to stop the Khan Bahadur from doing so is unknown to us. I hope Government will seriously take into consideration this matter and see that the protection work the Khan Bahadur has taken up may proceed.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, the question at issue in the adjournment motion is a simple one. Government has to give its verdict as to whether they approve or disapprove of the alleged action——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I enquire if you have accepted the closure motion? And in that case, may we understand that if the Hon'ble Minister speaks, other members may as well follow. The adjournment motion will have to be discussed for two hours. If the closure motion is accepted, the Hon'ble Minister does not come in.

Mr. SPEAKER: The Hon'ble Minister cannot speak when others are speaking. As a matter of fact, this is the second time that the closure has been moved. I have not accepted so far the closure motion. That is why in order to guard myself against a possible contingency I thought that on an important motion like this the House might be anxious to know the views of the House and of the Government.

Mr. NIHARENDU DUTTA MAJUMDAR: After the Hon'ble Minister has spoken, somebody may move the closure motion.

Mr. SPEAKER: That may be, but the Hon'ble Minister should now proceed with his speech.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, as I was saying, the question at issue was quite a simple one. It was whether Government approves or disapproves of the alleged order of the Magistrate prohibiting a particular resident of Kurigram to undertake some sort of protective work to save his house, Sir, as I stated at the outset, we have no information on the subject. On receipt of the notice of this motion we have telegraphed to the District Magistrate, Rangpur, for a full report of the case. But so far we have not received any reply. I thought that it would have been much

better if the discussion had taken place to-morrow so that we could have been in a position to place full facts before the House. Sir, although a previous motion for discussing the policy of Government for stopping the protective work taken in hand by Government was disallowed by you, full opportunity has been taken on the present occasion to discuss that question. Under the circumstances, I am compelled to refer to that matter as well.

Sir, the protective work at Kurigram has a long history. But before I dilate upon that, I would like to inform the House about the policy of Government in erosion problem in general. Sir, erosion is not a problem for the towns only but it is a problem affecting large number of villages also (Cries of "Hear, hear" from the Coalition benches.) I am sure the honourable members of the House would not expect us to undertake measures to protect the towns only leaving the villages to their fate. Government, therefore, have decided to undertake protective work only in those places where Government properties were involved

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I am only repeating the point of order raised by my esteemed friend, the Hon'ble Maharaja Srischandra Nandy, namely, whether he himself is speaking relevantly——

Mr. SPEAKER: Dr. Sanyal, I consider your point of order to be absolutely frivolous (Cries of "Hear, hear" from the Coalition benches), for the simple reason that in spite of the fact that I tried to control the debate and the speeches, every speaker has raised a point on the question of policy, and I think Dr. Sanyal knows it more than anybody else that the Hon'ble Minister has to give a reply to all the points raised.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I stated at the outset that I had no intention to refer to it but was compelled to do so as the matter was referred to by most of the previous speakers. Sir, in pursuance of the policy of Government which I stated just now, Government have been taking measures to protect the town of Kurigram for some years in the past. They were with bamboo piles and with branches of trees more or less of a temporary character. But subsequently it was decided that we should have something of a permanent nature—a brick mattress was decided upon and money was provided for in the budget. Subsequently, it transpired that the length intended to be provided for would not be sufficient to protect the town. Besides protective work of this nature has not been sufficiently tested to prove a success in Bengal rivers. Sir, the Chief Engineer was all along very pessimistic about this protective work, as he thought that the erosion of Kurigram was far

too advanced (Dr. NALINAKSHA SANYAL: What about Rajshahi and Pabna?) It was after the provision in the budget that it transpired that the protective work besides being problematic to protect the town, would need further amounts of money in future years—much more than what has already been spent, to make the town quite safe. There is another point, Sir. During the unprecedented floods of last year there was a very heavy erosion in Kurigram, as a result of which some Government buildings had to be dismantled. The value of Government property was thereby much reduced and the justification of spending a large sum of money became less. (Maulvi ABU HOSSAIN SARKAR: What about private properties?) (Dr. NALINAKSHA SANYAL: They are interested only in Government properties.) That was the reason, Sir, why Government was compelled to give up the project under circumstances over which they had no control.

Sir, it has been stated by the mover of the motion that some notice under some section has been issued by the Subdivisional Officer. I am at a loss to understand under what section the Magistrate has issued the order. (Maulvi ABU HOSSAIN SARKAR: He does not require any section.) The Embankment Act is not in operation in that area. I do not know if the order has been under section 144 or under any other Act (Rai HARENDRA NATH CHAUDHURI: Public Security Act) or for the prevention of a breach of the peace. Besides, Sir, we do not know the nature of the protective work which is said to have been undertaken by the gentlemen referred to. I have already stated in answer to a supplementary question on this subject that Government have no objection to allow protective work of a minor nature which is undertaken by those local people who intend to protect individual houses. But, Sir, it is doubtful if any protective work of a major character which may adversely affect other areas would be allowed by Government. It may be, Sir, that by having protected one building it might endanger several other houses. (Laughter.) (Mr. NISHITHA NATH KUNDU: What is the case here?) We do not know. (Laughter.) I am told by the honourable mover that this particular gentleman has spent no less than Rs. 5,000 for piling some bamboos and sinking two old boats, and he has been criticising the Government estimates. Sir, if the piling of some bamboos and the sinking of two old boats cost Rs. 5,000, I am sure Government departments are in a much better position. I am sorry, Sir, that so much has been said about Government's action but nothing about the help and co-operation of the local people. Government provided Rs. 85,000, and may I state the amount of public subscription contributed. It was only Rs. 500. The District Board by their resolution promised to pay us only Rs. 2,000. Government would certainly have looked at the scheme from a different angle if the public had come forward with substantial contribution, but that was unfortunately not forthcoming.

Sir, I am sorry that Haripada Babu has confused protective work with embankments. The policy of Government with regard to embankments has been clearly stated in my budget speech, and Government have come to that conclusion on advice, a policy which is approved by the leading hydraulic engineers throughout the world. That is a gradual abandonment of the embankments which proved a curse to the province. I do not want to dilate on that point any further. Sir, I would only appeal to the House not to be moved in any way by the very vague allegation against Government officers on distorted facts. I can give this assurance to the House that if we find any officer taking any action contrary to the adopted policy of Government, Government certainly will deal with him properly. Sir, I can say this much and nothing more. As I have already stated, there might have been special circumstances for the officer to have taken that action.

Babu MANINDRA BHUSAN SINHA: What are those circumstances?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have stated already, we do not know the facts yet. We were not given the opportunity to place all those facts before you, for your consideration. I have therefore no other option but to oppose the motion.

The motion that the question be now put was then put and a division taken with the following result:—

AYES—116.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. alias Lal Meah.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F.M.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur, Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Afzal Hossain Joardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Blomenstock, Mr. L. M.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirti Bhusan.
Dass, Babu Debendra Nath.
Edser, Mr. Upendranath.
Farjad Reza Chowdhury, Mr. M.
Faziel Huq, the Hon'ble Mr. A. K.
Faziel Quadir, Khan Bahadur Maulvi.
Fazlar Rahman, Mr.
Fazlar Rahman (Mymensingh), Mr.
Golam Sarwar Hossini, Mr. Shah Syed.
Gomez, Mr. S. A.
Griffiths, Mr. G.
Habibullah, the Hon'ble Nawab Bahadur K. of Dacca.
Hafizuddin Chowdhury, Maulvi.

Hamiduddin Ahmad, Khan Sahib.
Hassanuzzaman, Maulvi, Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hosiaq Murshed, Mrs., M. B. E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Headry, Mr. David.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. F. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Miles, Mr. C. W.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Peterson, Mr. E. A.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Ray Choudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

NOES—77.

Abdul Jabbar Paiwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Barma, Babu Promhari.
Barman, Babu Shyama Prasad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chakraborty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Narendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deisi, Mr. Narendra Nath.
Dutta, Mr. Sukumar.
Dutta Mazumdar, Mr. Nikaresdu.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Choudhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana M.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Asutosh.
Nasher Ali, Mr. Syed.
Pain, Mr. Baroda Prasanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Kamakhiskha.
Roy, Mr. Kiran Sankar.

Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.

The Ayes being 116 and the Noes 77, the motion was carried.

The question that the House do now adjourn was then put and a division taken with the following result:—

AYES—78.

Abdul Jabbar Patwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashmey, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nausher Ali, Mr. Syed.
Pain, Mr. Barada Prosanna.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.

NOES—111.

Abdul Azia, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikramperi, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi
Abdul Kader, Mr. alias Lal Meah.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.

Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Hossain Jeardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mr'Jha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry Bart.
Blomenstock, Mr. L. M.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
Golam Sarwar Hossini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Hirtzel, Mr. H. A. F.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawasjah Syed.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Miller, Mr. C. W.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. M.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq., Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behari.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Paterson, Mr. E. A.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.

The Ayes being 116 and the Noes 77, the motion was agreed to.

Mr. SPEAKER: We will now take up the Calcutta Municipal (Amendment) Bill, 1939. Is Mr. Jalaluddin Hashemy present?

(Mr. Hashemy was absent).

The House now stands adjourned till 4-45 p.m. on Friday, the 7th July, 1939.

Adjournment.

The House was then adjourned till 4-45 p.m. on Friday, the 7th July, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Asesmbly House, Calcutta, on Friday, the 7th July, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 117 members.

STARRED QUESTIONS

(to which oral answers were given)

Affairs of South Calcutta Co-operative Credit Society, Limited.

*543. **Mr. SATYA PRIYA BANERJI:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state if it is a fact that—

(*a*) Co-operative Inspector, Suresh Chandra Ganguly, detected in August, 1936, in the South Calcutta Co-operative Credit Society, Limited—

(*i*) a large number of bogus bonds whose signatories denied receipt of any consideration money thereon;

(*ii*) other false bonds whose signatories could not be traced; and

(*iii*) a Register of Members containing forged signatures as also the names of fictitious members (e.g., Kanai Lall Ghosh)?

(*b*) The papers and documents of the Society noted above including others then lying in charge of the said S. C. Ganguly were initialled and marked by Babu Sukdev Sarkar, C. I. D. Inspector, in charge of the investigation of the Hooghly Central Co-operative Bank Fraud Case? Were these left in charge of S. C. Ganguly by the Police after such marking?

(*c*) The Police directed in writing Maulvi Aziz Ahmed, the then Divisional Auditor, Co-operative Societies, Burdwan Division, to preserve intact the papers, etc., left in S. C. Ganguly's charge? Were not the Registrar and the Deputy Registrar (Mr. R. N. Roy) informed of this matter by the Police or by Maulvi A. Ahmed? If so, when?

(*d*) Babu Bisveswar Bhattacharyya, a member of the Society, in writing warned the Assistant Registrar, Co-operative Societies, Presidency Division—

(*i*) on the 3rd October, 1936, against the destruction, concealment or suppression of the evidence of the crime of the alleged culprits of the Society; and

(*ii*) on the 13th October, 1936, against the substitution of the original Members' Register with a fraudulent purpose? What action, if any, was taken on these complaints?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): As all the relevant papers and records of the Society are at present before a Court of Justice, the information asked for is not available. Moreover, as this question concerns the internal affairs of the Society, for which Government are not responsible, and relates to the conduct of the management of the Society which has been called in question before the said Court, I regret that it is neither proper nor in the public interest that this information be supplied.

Mr. SATYA PRIYA BANERJI: Will the Hon'ble Minister be pleased to state if all the papers referred to in the question have been submitted to the court?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, this society was written to, but they have definitely replied saying that the papers which would enable me to answer the question had been sent to the court.

Mr. SATYA PRIYA BANERJI: Are the papers left in Mr. S. C. Ganguly's charge also with the court?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is very difficult for me to give a satisfactory reply to this question, because the society says that all these are before the court.

Mr. SATYA PRIYA BANERJI: Will the Hon'ble Minister be pleased to state if it is a fact that these papers were submitted to the court only about a week back, long after the question was sent to the department by the Assembly Department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of that.

Complaint against South Calcutta Co-operative Credit Society, Limited.

*544. **Mr. SATYA PRIYA BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact that a written complaint from Babu Bisveswar Bhattacharyya, a member of the Committee of Management of the South Calcutta Co-operative Credit Society, Limited, to the Deputy Commissioner of Police, Lalbazar, was in February-March, 1937, referred to the Registrar, Co-operative Societies, for report?

(*b*) If the answer to (*a*) is in the affirmative, what is the actual date on which the said complaint was referred to the Registrar?

(*c*) Has any enquiry been made into the subject-matter of the complaint by the department on such reference?

(*d*) If so, when and by whom?

(*e*) Is it a fact that Babu Nripendra Lal Dutta, the then Circle Inspector of Co-operative Societies, Calcutta, submitted a report on the Society to the Registrar?

(*f*) Was any reply sent to the Police by the Registrar?

(*g*) If so, when?

(*h*) Was such report based on Nripendra Babu's note referred to in (*e*)?

(*i*) Is it a fact that subsequently Babus Srimanta Kumar Shaw, Satish Chandra Ray and Pulin Chandra Arnab denied to the department the receipt of any monies from the Society on their respective bonds?

(*j*) What action, if any, has been taken in the matter?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: This question relates to the internal affairs of a Society, for which Government are not responsible; moreover, it seeks to reflect upon the conduct of the management of the Society which has been called in question before a Court of Justice in the course of the hearing of a case at present *sub judice*. I regret, therefore, that it is neither proper nor in the public interest that the information be supplied.

Mr. SATYA PRIYA BANERJI: Will the Hon'ble Minister be pleased to state whether it is not in the public interest that the culprit concerned in this society should be brought to book?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is very difficult to say at this stage, because the matter is now before a court of justice. It all depends on the suit as to what further action Government will take.

Mr. SATYA PRIYA BANERJI: Are all the matters referred to in the question sub-judice?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The conduct of the Managing Committee is before the court, and all the matters relating to that are *sub-judice*.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the exact date when these relevant papers were sent to the court?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: In both these questions of Mr. Banerji, as I have already said, we do not know when these papers were sent to the court.

Mr. SATYA PRIYA BANERJI: You are simply evading the answer.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not think Mr. Banerji is justified in making that remark, Sir.

Mr. SATYA PRIYA BANERJI: Is it not a fact that the papers were submitted to the court long after these questions were received by the department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As I have already said, Sir, I do not know.

Mr. SIBNATH BANERJEE: What steps were taken by the department before the papers were sent to the court?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The department has nothing to do with that.

Mr. SURENDRA MOHAN MAITRA: Are not all the societies under the Registrar's control?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Mr. Maitra knows that all the societies are under the control of the Registrar so far as audit is concerned.

Grant of Agricultural loan and gratuitous relief for distressed areas of Kurigram subdivision, Rangpur.

***545. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing for the Kurigram subdivision of Rangpur in 1938 and up to the 1st June, 1939—

(*i*) the amount of money distributed as agricultural loan in the distressed areas;

(*ii*) the amount of money or quantity of rice distributed as gratuitous relief in the distressed areas; and

(*iii*) the distribution of—

(1) Agriculture loan, and

(2) Gratuitous relief,

under separate thanas?

(*b*) Has the attention of the Government drawn to—

(*i*) the acute and prolonged scarcity of food prevailing in the Kurigram subdivision due to repeated failure of crops on account of flood and drought;

(*ii*) the fact that large number of famished peasants surround village "Jotdars," "Mahajans" and others having paddy in their granaries and demand of them either paddy or money; and

(*iii*) the fact that many such "Jotdars" and "Mahajans" are compelled to distribute quantities of paddy rice or money?

(*c*) If the answer to (*b*)(*ii*) and (*iii*) is in the affirmative, what steps, if any, do the Government propose taking in the matter?

(*d*) Is the Hon'ble Minister aware that Test Relief Operations in the shape of road-making has been suspended on account of recent rains in the Kurigram subdivision?

(*e*) If the answer to (*d*) is in the affirmative, what alternative relief, if any, do the Government intend affording to the distressed people?

(*f*) Will the Hon'ble Minister be pleased to state what is the approximate number of people affected by the acute scarcity of food in the Kurigram subdivision?

(*g*) Has the attention of the Hon'ble Minister been drawn to the daily appearance into the town of Kurigram of a large number of Hunger Marchers seeking relief from hunger and starvation?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) to (*iii*) A statement is laid on the table.

(*b*) (*i*) There is distress in the riparian areas of this subdivision among the smaller cultivators and labourers but there is no scarcity of food grains generally in the subdivision though there is scarcity of money amongst some sections of cultivators and labourers.

(*ii*) Some village Mahajans used to give short-term loans of paddy to smaller cultivators in Baisakh and Jaista to be repaid after *aus* harvest. Owing to a growing habit among the cultivators not to repay loans, many Mahajans were unwilling to give such short-term loans this year, though they had sufficient stocks of paddy. Some instances have been reported in which cultivators came in bands to the houses of such Mahajans, in order to induce them to give short-term loans.

(*iii*) In some cases the people were able to induce the Mahajans to give them short-term loans on the security of the Presidents of union boards and other local influential men. No case came to notice in which Mahajans were compelled to distribute rice and paddy.

(*c*) Does not arise.

(*d*) Test relief operation has not been suspended It is still going on in this subdivision. But there has been a gradual falling off in the number of workers attending such works as they are gradually finding employment in agricultural work nearer home.

(*e*) Does not arise.

(*f*) Approximately 30,000 persons have been affected by the present distress in rural areas.

(*g*) Relief operation in the shape of agricultural loans, gratuitous relief and test work on a large scale have been organised from the end of April, 1939, as soon as there was indication of the distress in rural areas. Steps taken were sufficient to meet the situation. But still from time to time some bands of men were induced by false hopes by *ex*-detenus and other workers of the local Congress Committee to come to town and make demonstration specially whenever any high official was visiting Kurigram. The last such demonstration was on the 27th May, when the Commissioner was to have visited Kurigram. There has been no such demonstration since that date. Persons who were in real distress got relief in the shape of loans, etc., distributed in the villages by six loan distribution officers employed for the purpose. They also took advantage of the test works to maintain themselves.

Statement referred to in the reply to clauses (a)(i) to (iii) to starred question No. 545.

Name of police-station	Amount distributed as agricultural loan.		Value of rice distributed as gratuitous relief during 1938-39.	Amount distributed as gratuitous relief during 1939-40 up to 1st June, 1939.
	During 1938-39.	During 1939-40 up to 1st June, 1939		
	Rs	Rs	Rs.	Rs.
1 Rowmari	79,700	11,962	3,796	100
2. Chilmari	56,794	10,804	2,320	75
3. Nageswari	43,326	13,540	1,892	105
4. Bhurungamari	5,040	1,734	180	20
5 Kurigram	31,880	11,094	1,368	100
6. Ulipur	23,260	10,866	1,096	25
Total	2,40,000	60,000	10,652	425

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what is the basis of his answer that these bands of men were induced by false hopes by ex-detenus and other workers of the local Congress Committee to come to the town and make demonstrations? (Babu NARENDRA NARAYAN CHAKRABARTY: The police.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. We got a report from the Collector to that effect.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to read out the statement supplied by the Collector to this effect?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is not the practice of Government to place before the House the correspondence that passes between them and their officers.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether any force or show of force was used in order to induce the *mahajans* to give short-term loans?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have already answered that in the negative.

SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state why, if there has been no scarcity of food-grains in the subdivision, the people should have surrounded the houses of the *mahajans* in large numbers and demanded grains and all other things?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, loan of grains is the usual practice in *Baisak* and *Jaistha*, and this is repaid after the *aus* harvest. As these short-term loans were suspended as stated in my answer (*b*) (*ii*), the cultivators surrounded the houses of the *mahajans*.

SJ. NARENDRA NATH DAS GUPTA: That is not my question, Sir. My question is: if there is no scarcity of food-grains in the subdivision, why should people come in large numbers and surround the houses of the *mahajans*?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, there is no scarcity of food-grains in the subdivision, but these cultivators are always in want of food-grains during a particular period of the year. That is the normal thing in the subdivision, there is nothing abnormal about it.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state when did the Commissioner of the Rajshahi Division visit Kurigram, as is referred to in answer (*g*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On the 27th May, 1939, Sir.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government consider it wrong on the part of hungry peasants to approach a high Government officer like the Commissioner and tell him personally what their grievances are?

The Hon'ble Sir BIJOY PARSAD SINGH ROY: No, Sir. If they are really hungry, Government do not consider it wrong on their part to approach Government officials. But if they are misled by certain political exploiters, Government consider it extremely wrong.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the Commissioner saw these hunger-marchers or their representatives when he visited Kurigram in order personally to enquire into their grievances?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, he met some of them.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister please state whether the Commissioner submitted a report to Government after enquiry?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, he did.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state whether he is in possession of facts to deny that on the 27th May last the people of Kurigram assembled at Kurigram with a view to place before the Commissioner their grievances personally and not for the purpose of making any demonstrations?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, it was purely a demonstration organised by some ex-detenus and workers of the local Congress Committee.

Kazi EMDADUL HAQUE: I want to know whether the Hon'ble Minister is in a position to deny this fact?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: What fact?

Kazi EMDADUL HAQUE: That the people of Kurigram assembled to place before the Commissioner, who was visiting the town, their grievances and not for the purpose of making any demonstration whatsoever?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not a fact. Government's information is that this demonstration was organised by political exploiters.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় অনুগ্রহ কোরে বোলবেন কি কুড়িগ্রাম সাবডিভিসনে ক জন একসট্রা ডেপুটিনিই আছে?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That question does not arise.

Babu NARENDRA NARAYAN CHAKRABARTY: এটা আপনার বলবার কথা নয়, এটা হোচ্ছে সভাপতি মহাশয়ের অধিকার।

(The member here showed his temper and spoke in a loud voice.)

Mr. SPEAKER: Mr. Chakrabarty, if you show such temper, I shall have to disallow your question. You can certainly put a question without shouting and making a noise. Please put your question calmly.

Babu NARENDRA NARAYAN CHAKRABARTY: সভাপতি মহাশয়, আপনার আদেশ শিরোধার্য্য কোরেও আমি এর প্রতিবাদে জানাতে বাধ্য হোচ্ছি যে মাননীয় মন্ত্রী মহাশয় পুনঃ পুনঃ আমাদের এই রকম প্রশ্নোত্তর দিতে বাধ্য করেন বোলেই আমরা এই রকম প্রশ্নোত্তর দিয়ে থাকি।

Mr. SPEAKER: What is your question?

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় যে উত্তর দিয়েছেন সেটা আমার প্রশ্নের উত্তর নয়। আমার প্রশ্ন হোচ্ছে—কুড়িগ্রাম সাবডিভিসনে কয়টী একসৃ ডেটিনিউ আছে যারা নাকি অসন্তোষ সৃষ্টি করে।

Mr. SPEAKER: That question does not arise.

Babu NARENDRA NARAYAN CHAKRABARTY: সভাপতি মহাশয়, আমি এই বিষয়টীর উপর আপনার দৃষ্টি আকর্ষণ কোরে জানাচ্ছি যে—বার বার মন্ত্রী মহাশয় এই কথাই বোলেছেন যে, যেসমস্ত অভাব অভিযোগের কথা শোনা যায় তা একসৃ ডেটিনিউরাই বাড়িয়ে তুলেছে, প্রকৃত পক্ষে কোন অভাব অভিযোগ নাই। সেইজন্য আমার প্রশ্ন হচ্ছে যে কুড়িগ্রাম সাবডিভিসনে মোট কতজন একসৃ ডেটিনিউ আছে। এবং আমার মনে হয় এ প্রশ্ন অপ্রাসঙ্গিক নয়।

Mr. SPEAKER: Sir Bijoy, did you say that ex-detenus were responsible for this?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, I have stated that in my answer.

Mr. SPEAKER: Then you have got to answer Mr Chakrabarty's question.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice, Sir.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় কি দয়াকোরে বোলবেন যে এ কথা কি তাঁর কানে পৌঁছেচে যে এই সাবডিভিসনের লোক অনাহারে প্রাণত্যাগ কোরেছে?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. Government have no information on the point.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*b*) (*ii*), will the Hon'ble Minister be pleased to state if it is a fact that this alleged growing habit among the cultivators is due to dire poverty?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In some cases, of course, it is due to distress, but it is also due to the non-payment mentality.

Mr. SYED JALALUDDIN HASHEMY: With reference to the reply given just now, will the Hon'ble Minister consider the desirability of removing the distress of the poor cultivators?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The steps taken by Government are all directed towards removing the distress of the cultivators.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় দয়া কোরে বোলবেন কি আজকের আনন্দবাজার পত্রিকায় কুড়িগ্রামের ৮ জন লোক এই ভাবে প্রাণত্যাগ কোরেছে বোলে প্রকাশিত হোয়েছে,—তার প্রতি কি মন্ত্রী মহাশয়ের দৃষ্টি আকর্ষিত হোয়েছে?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am grateful to the honourable member for drawing my attention to this allegation in the paper, and I shall look into it

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় (*b*) (*i*) প্রশ্নের উত্তরে বোলেছেন যে সেখানে খাদ্যের অভাব নাই অর্থের অভাব আছে। দেশের জনসাধারণের অর্থ ছাড়া অন্য কিছু আছে যাদ্বারা খাদ্য সংগ্রহ করবার কোনও সঙ্কেত জানা নেই, সে সঙ্কেতটা কি মন্ত্রী মহাশয়ের জানা আছে

Mr. SPEAKER: That question does not arise

Babu NARENDRA NARAYAN CHAKRABARTY: সভাপতি মহাশয়, উনি বোলেছেন—there is no scarcity of food grains generally in the subdivision though there is scarcity of money এ সম্বন্ধে আমার জিজ্ঞাস্য হোচ্ছে—অর্থ ছাড়া খাদ্য সংগ্রহের আর কি উপায় আছে?

Mr. SPEAKER: Order, order Will you please read the answer (*b*) (*i*)? The Hon'ble Minister said that there was no scarcity of food though there was scarcity of money So, he practically supports your statement.

Babu NARENDRA NARAYAN CHAKRABARTY: আমার কথা হোচ্ছে — গভর্ণমেণ্ট যদি উপযুক্ত অর্থ প্রদান না করেন, কৃষিকার্য্যের দ্বারা যাদের অর্থ উপার্জ্জন হোচ্ছে না, কি প্রকারে তাদের খাদ্য সংগ্রহ হোতে পারে?

Mr. SPEAKER: I am sorry, but that is a problematical question, You can ask about what Government intend to do.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় তাঁর প্রত্যুত্তরে স্বীকার কোরেছেন—কুড়িগ্রাম অঞ্চলে লোকের অর্থ নাই যাদ্বারা খাদ্য সংগ্রহ কোরতে পারে। মাননীয় মন্ত্রী মহাশয় এরকম কোন উপায় কি নির্দ্ধারণ কোরেছেন যাদ্বারা লোকে অর্থ উপার্জ্জন কোরে খাদ্য সংগ্রহ কোরতে পারে?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As I have already stated, it is a normal affair with some of the poor cultivators—that during certain parts of the year they are generally in need of food-grains and that food-grains are advanced by the mahajans who have a larger stock of grains. There is nothing unusual about that. The situation has to some extent been accentuated by the distress prevailing last year.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় তাঁর জবাবে বোলেছেন,—যে small cultivator দের অসকষ্ট একটা normal affair, এ অবস্থায় গভর্ণমেণ্ট কি এরকম কোন স্কীম কোরেছেন যাদ্বারা small cultivator দের অসকষ্ট দূর কোরে তাদের ভালো position এ আনা যায়?

The Hon'ble Mr. H. S. SUHRAWARDY: বসুন, আপনি নিজেই বলুননা একটা স্কীম।

Mr. SPEAKER: Mr. Suhrawardy, you will kindly realise that these interruptions are not at all helpful for keeping the House in proper order.

The Hon'ble Mr. H. S. SUHRAWARDY: But, Sir, please look at the questions!

Mr. SPEAKER: Whatever they might have been, I expect that an Hon'ble Minister ought to know how to keep his temper. (Cheers from the Congress benches.)

Mr. RASIK LAL BISWAS: সভাপতি মহাশয়, আমার প্রশ্নের তো কোন উত্তর পাচ্ছিনে।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that is a matter which involves questions of general policy, and I am not in a position to answer it. I am sure my hon'ble colleagues in the other departments, namely, the Ministers in charge of Agriculture and Industries and the Co-operative Departments will be able to answer that question.

Election of members to the Union Boards in Hooghly.

***548. Babu RADHANATH DAS:** (*a*) Is the Hon'ble Minister of Local Self-Government aware—

(*i*) that the election of members to the union boards of the Hooghly district has been finished by the month of March, 1939;

(*ii*) that the District Magistrate nominated the required number of members for each union board and the names of the elected and nominated members were sent by the Magistrate for publication in the "Calcutta Gazette";

(*iii*) that these names of candidates were sent for publication in the "Calcutta Gazette" about the end of March, 1939?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state why there has been so much delay in the publication of these names in the "Calcutta Gazette"?

(*c*) Is the Hon'ble Minister aware that a member of this House submitted a list of names of members for appointment by the District Magistrate and pressed their claims by personal interviews with the local officials?

(*d*) Is the Hon'ble Minister considering the desirability of publishing in the "Calcutta Gazette" the names of elected and nominated members of various union boards of the district of Hooghly, as sent by the District Magistrate without any further delay?

MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*), (*ii*) and (*iii*) Yes

With regard to answers (*b*) and (*d*), Sir, may I substitute the following in place of the printed answer?

"(*b*) and (*d*): The Superintendent of the Government Press was asked to withhold publication pending certain enquiries which Government considered it necessary to make from the District Magistrate regarding this matter. The names have been published in the *Calcutta Gazette* on the 29th June 1939."

(*c*) I believe this is a fact. But the hon'ble member should surely know that it is quite open to a member of this House, and, in fact, quite legitimate on his part to bring to the notice of the Magistrate of his district any facts concerning nominations to local bodies which are within his knowledge and which he considers it desirable that the District Magistrate should know.

Babu RADHANATH DAS: Will the Hon'ble Minister be pleased to state the actual date when the District Magistrate sent the names of the members of the Union Board for publication in the Gazette?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice of that.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Vacancies in the Government Commercial Institute.

261. Maulvi MD. ABDUR RASHEED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state how many vacancies are going to be filled up in the Government Commercial Institute in the near future?

(*b*) Are the Government considering the desirability of appointing some suitable Moslem candidates in those vacancies?

(*c*) If so, what is the percentage of such appointments?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Six—five in 1939 and one in 1940.

(*b*) Of the five vacancies to be filled in 1939, two, viz., the post of part-time Lecturer in Urdu and the post of clerk, will be filled by Moslems and the post of part-time Lecturer in Hindi by a non-Moslem. Preference will be given to suitable Moslem candidates, if available, for the remaining two posts.

The question of filling up the post vacant from July, 1940, has not yet been taken up.

(*c*) This question cannot be answered till the appointments are actually made.

Appointment of non-Bengali stenographers in the Bengal Secretariat.

262. Maulvi AFTAB HOSAIN JOARDAR: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact that many non-Bengali stenographers have been given appointment in the Secretariat?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the names of Bengali and non-Bengali candidates who have come out successful at the Public Service Commission's examinations held in 1937 and 1938;

(*ii*) the position secured by each of them at the examination; and

(*iii*) the appointment which he is holding at present under the Government of Bengal?

(*c*) Is the Hon'ble Minister aware that a large number of Bengali stenographers are available now-a-days?

(*d*) If so, is the Hon'ble Minister considering the desirability of not—

(*i*) appointing any non-Bengali stenographers in future; and

(*ii*) retaining those who have been appointed temporarily?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) There are four permanent and four temporary non-Bengali stenographers in the Secretariat.

(*b*) A statement is laid on the table.

(*c*) and (*d*). My view, I am afraid, is that the supply of good Bengali stenographers is still very limited. I do not therefore propose to take either of the steps advocated by the hon'ble member.

Statement referred to in the reply to clause (b) of unstarred question No. 262, showing the names of Bengali and non-Bengali candidates who have come out successful at the examinations held by the Public Service Commission in 1937 and 1938.

	Names in order of merit.	Nature of appointment.
	1937.	
1.	T. K. S. Mani	Substantive on probation.
2.	T. K. Duraiswami	Ditto.
3.	Bhabesh Ch. Ghose	Temporary.
4.	T. R. Srinivasan	Ditto.
5.	Prafulla K. Banerji	On probation.
*6.	Atul Ch. Sen	Nil.
7.	Chandra Sekhar Banerji	Temporary.
8.	A. V. Harihar	Ditto.
9.	Amarendra Nath Mukherji	Ditto.
10.	Shyama Charan Bose	Ditto.
	1938.	
1.	Santosh Kumar Banerjee	Nil.
2.	Khagendra Nath Chaudhuri	Temporary.
*3.	Sukumar Gupta	Nil.

*Appointed temporary stenographer but reverted to his own post.

	Names in order of merit.	Nature of appointment.
4.	M. Krishna Kutty Manalar	Nil.
5.	Durga Pada Mitra	Nil.
6.	Sisir Kumar Banerjee	Nil.
7.	Nepal Chandra Das	Temporary.
8.	P. R. Venkateswaran	Ditto.
9.	Hazari Gopal Mukherjee	Nil.
10.	Jatindra Narayan Bose	Nil.
11.	Badal Ch. Mukherjee	Temporary.
12.	Nripendra Ch. Sen	Nil.
13.	Nirmal Ch. Sen	Nil.
14.	N. Sundaresan	Nil.
15.	Pataki Charan Chatterjee	Nil.
16.	Sivaram Mukherjee	Nil.
17.	Pramatha Nath Banerjee	Temporary.
18.	Waheedul Alam	Ditto.
19.	Md. Abdus Samad	Ditto.
20.	Mr. Lutfar Rahman	Ditto.
21.	Kamal Krishna Dutt	Ditto.
22.	Muzaffar Ahmed	Ditto.
23.	Sudhin Ch. Mukherjee	Nil.
24.	Harendra Krishna Ghose	Temporary.
25.	Md. Sultan Miah	Nil.

Mr. DHIRENDRA NATH DATTA: With reference to the statement (of 1938), will the Hon'ble Minister be pleased to state why Nos. 7, 8, 10, 17, 18, 19, 20, 21, 22 and 24 have been given appointments in preference to Babu Santosh Kumar Banerjee who stood first in order of merit at the examination?

Mr. SPEAKER: How do you know that?

Mr. DHIRENDRA NATH DATTA: Sir, it is stated in the statement that those who stood 7, 8, 10, 17, 18, 19, 20, 21, 22 and 24 have been given appointments, though temporary.

The Hon'ble Mr. NALINI RANJAN SARKER: All these are temporary appointments and perhaps Babu Santosh Kumar Banerjee did not accept such an appointment.

Babu NARENDRA NARAYAN CHAKRABARTY: সন্তোষকুমার বানার্জির সঙ্গে কোন রাজনৈতিক সম্বন্ধ ছিলো কি?

The Hon'ble Mr. NALINI RANJAN SARKER: I do not know that.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if an appointment was offered to him and was refused by him?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, all these appointments are temporary. After the examination had been held, when appointments were offered to the passed candidates, some of them accepted and others did not accept—in many cases the candidates did not accept the appointments as they were purely temporary.

Mr. DHIRENDRA NATH DATTA: Sir, my question has not been answered: my question is whether an appointment was offered to Babu Santosh Kumar Banerjee and whether it was refused by him.

The Hon'ble Mr. NALINI RANJAN SARKER: I want notice.

Bengalis involved in the recent strikes at Digboi.

263. Maulvi AZHAR ALI: Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*a*) how many Bengalis are involved in the recent strike at Digboi;

(*b*) how many of them have left Digboi for their native places in Bengal;

(*c*) how many of these referred to in (*b*) are residents of Chittagong;

(*d*) how many Bengalis are still at Digboi; and

(*e*) what steps, if any, have the Government of Bengal taken in the interest of those Bengalis who are still in Digboi?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): I regret that the statistical information required is not available. Government have found no occasion to intervene in the matter.

Conduct of an Assistant Sub-Inspector of Khanakul police-station, Hooghly, in connection with a local election.

264. Mr. SUKUMAR DUTTA: (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that one Mr. Vilayet Hossain of Ramchandrapore, Rajhat Union, police-station Khanakul of Arambagh subdivision in the district of Hooghly, was a candidate for election as a member to the Union Board of Rajhat; and

(*ii*) that the President of the then Rajhat Union Board—

(1) found the brother of the candidate, an Assistant Sub-Inspector posted at Khanakul canvassing for the candidate; and

(2) pointed out to the said officer the illegality of a Government servant interfering in popular election?

(*b*) Is the Hon'ble Minister aware—

(*i*) that subsequent to this a complaint was made to the Subdivisional Magistrate, Arambagh, that the said President had allowed gambling in a *mela* at village Hirapur held on the 4th February, 1939; and

(*ii*) that the complaints against the President of Rajhat Union Board were enquired into by the Subdivisional Officer, Arambagh?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the result of the inquiry; and

(*ii*) the action, if any, taken on the inquiry report?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) (1) No. The President stated that he had heard from the villagers at the Hirapur *Mela* that the Assistant Sub-Inspector was canvassing for his brother.

(2) No. The President warned the Assistant Sub-Inspector that if he found him canvassing for his brother he would report him to the Subdivisional Officer.

(*b*) Yes.

(*c*) (*i*) It was found that there had been gambling at the Hirapur *Mela*. There was no evidence however to prove the complicity of the President.

(*ii*) None.

Allotment of a day for discussion on the Bengal Jute Ordinance.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, some time ago, on the floor of this House, I gave an assurance to my friends opposite that Government would allot a day for the discussion of the Bengal Jute Ordinance. That, of course, was subject to your ruling whether a discussion on the Ordinance was permissible under the circumstances. Sir, may I know whether we should proceed to allot a day or not?

Mr. SPEAKER: So far as discussion on the Jute Ordinance is concerned, under section 88(2)(*a*) such discussion is to take place after the Ordinance has been laid on the table. Therefore, under the constitution I do not see how a day can now be fixed for the purpose of discussion unless there is a motion by Government to that effect. If Government put up a motion for a special purpose, they can always do so, but on the last Jute Ordinance, under the rules, the House practically cannot discuss this matter now. But I have considered this matter very carefully and in case any such occasion arises in future and if owing to the delay of Government, the House does not get an opportunity to discuss an Ordinance which might be a very important matter,—the very promulgation of the Ordinance shows that Government were convinced of its urgency, and as such, I think, the House ought to have a legitimate opportunity to discuss this matter. On the other hand, it seems that the right of discussion can be nullified by the action of the Executive Government if they do not lay it on the table in proper time. I have very carefully considered the matter and subject to such other legal advice on interpretation that I might receive—and I am going to refer the matter to them after the Assembly is over—I hold for the time being that we have got the power, if the Executive Government does not promptly put it on the table, to allow such discussion, and I feel that it is the right of the Speaker to interpret the Constitution Act in a manner which is in consonance with the spirit behind it. I would hold in future, when such other exigencies might arise in accordance with section 88(2)(*a*) which says that every such Ordinance shall be laid before the Provincial Legislature, that it is quite open to the Speaker to hold that it is not necessary for the Executive Government to lay it on the table. I think, the terms of the law would be fully satisfied if anybody in the House lays it on the table. That act of laying on the table is not specifically cast on the Executive Government and if the Executive Government does not do it and causes any delay, thereby depriving the House of an opportunity to exercise a constitutional right, it will be quite open to the Speaker to allow an opportunity to any member to lay it on the table so that the constitutional preliminaries might be fulfilled and the House gets an opportunity to discuss this matter. In view of these facts, I hold

that so far as the last Jute Ordinance is concerned, it cannot be discussed in the House now, but if any such contingency arises in future, I will certainly, on the interpretation which I have given, see that full opportunity is given to the House at an early date.

Dr. NALINAKSHA SANYAL: Sir, this matter arose out of the submission that was made by the Opposition that an opportunity should be given for discussion of the subject-matter of the Ordinance. We were fully aware that at the very moment when Government had withdrawn the Ordinance, technically speaking, the privilege that the House had under section 88(2), did not any more exist. At the same time, in view of the unusual practice followed by the Government, you were pleased to assure us that an opportunity should be given, and Government were prepared to accept that responsibility——

Mr. SPEAKER: I am prepared to allow that motion if it is suitably couched.

Dr. NALINAKSHA SANYAL: The matter is so important that although Government had last year under special circumstances promulgated a particular form of Ordinance, it is quite possible that Government will have to repeat their intervention in the field of jute prices and manufactured jute in no time. Even at the present moment the situation is such that probably Government may have to intervene in a different direction in this connection. We shall not have any opportunity of discussing this matter for another six months if we are not given the opportunity now.

Mr. SPEAKER: What do you want?

Dr. NALINAKSHA SANYAL: The circumstances under which the Jute Ordinance was felt necessary and what should be the attitude of Government to the question in future——

Mr. SPEAKER: I think in that case if the Government and the Opposition agree, a special motion in some form should be brought forward and if that is done, I should be quite prepared to consider it. The motion cannot be on the Jute Ordinance.

The Hon'ble Mr. H. S. SUHRAWARDY: It is difficult for me at this stage to suggest what form the special motion will take. I have not been able to fathom the entire idea which lies behind the speech of Dr. Sanyal. I would like to remind him, Sir, that Government did not place that Ordinance on the table with any desire to delay a discussion on the Ordinance, but because Government was anxious, as was declared on the floor of the House, not to do anything which might

impede the passage of the Calcutta Municipal Bill by a single day. It was for that reason that it was not placed on the table when the House met. At that time the Ordinance was in existence and a discussion on it would have been valid under the Government of India Act. Thereafter, we withdrew the Ordinance because the purpose of it having been served and the Indian Jute Mills Association themselves having come to an agreement to set their own house in order, it was felt unnecessary for Government to continue any legislative measures. It is for that reason, *i.e.*, on account of the withdrawal of the Ordinance, that this difficulty has arisen. I accept your ruling to the effect that the Ordinance having been withdrawn, there can be no discussion on the Ordinance as such. What other discussion is wanted, I do not know.

Mr. SPEAKER: That is entirely for you and the Opposition to decide. All I want to say is that I would not stand in the way if the Opposition and Government agree to discuss any matter arising out of the Jute Ordinance or arising out of the jute situation. I am quite prepared to admit such a motion but not a motion on Jute Ordinance, *i.e.*, under section 88(2)(*a*). It may be under any other clause.

Mr. SANTOSH KUMAR BASU: With reference to the statement just now made by the Hon'ble Minister may I point out——

Mr. SPEAKER: I am not concerned with the political implication of either a particular act or action on the part of Government. If Government for political reasons think that certain things should or should not come before the House that is entirely for Government to decide. I do not mean any reflection on Government. All I say now is that the action of Government was the constitutional clogging of the right of the House. So far as that is concerned, I have tried my best to find out whether there is no remedy and if we are absolutely helpless. I find that it is quite open in an emergency to start discussion, so that, by any stretch of imagination, the right of the House may not be obstructed in any way.

The Hon'ble Mr. H. S. SUHRAWARDY: That has been done quite unwittingly and we are sorry for that.

Mr. SANTOSH KUMAR BASU: The very statement made by the Hon'ble Minister shows that if Government have a particular piece of legislation and want to rush it through, they can very well give preference to that piece of legislation to the detriment of the right of the House.

Mr. SPEAKER: My interpretation will, I hope, remove the difficulty.

Sir Nazimuddin's statement on Hunger-Strike at Dum Dum Jail.

Mr. SPEAKER: I understand Sir Nazimuddin wants to make a very important statement on the hunger-trike stiuation at Alipore.

Dr. NALINAKSHA SANYAL: Hunger-strike at Dum Dum?

Mr. SPEAKER: Yes, at Dum Dum. This is really a very important matter, and with the special power at my command I can allow that statement to be made.

The Hon'ble Khwaja Sir NAZIMUDDIN: Just to make one point clear, so far as the political prisoners in Alipore Jail are concerned, they have not gone on hunger-strike but as far as the Dum Dum Jail is concerned some of the prisoners have started hunger-strike from to-day (this afternoon). Government have been informed that certain, not all, of the terrorist convicts in Dum Dum Jail intend to go on hunger-strike from to-day. The prisoners have indicated in writing that the sole and only ground of their action is to attempt to secure "immediate and unconditional release of all political prisoners and restoration of civil liberties."

On the 25th of September, 1938, the Government of Bengal announced their policy in regard to the release of terrorist convicts, and in particular made it clear that for reasons recorded they were not prepared to subscribe to a policy of indiscriminate release. Government announced that they would release certain categories of prisoners on their own initiative, which they have already done, and that with regard to the remainder they would appoint a committee to advise Government on the exercise of clemency in their cases, the final decision in each case remaining with Government.

The statement issued by Mr. Gandhi, and the correspondence which passed between the Home Minister and Mr. Gandhi which has been published by Government, made two other points clear, namely, that Government were not prepared to set a time-limit within which the prisoners were to be released, and, secondly, that Government intended to undertake the release of prisoners on their own responsibility and not on the basis of assurances given by prisoners to Mr. Gandhi and communicated by him to Government. As Mr. Gandhi himself stated, the interviews which he was allowed to have with the prisoners were for his own satisfaction only.

The committee appointed by Government was so constituted as to give representation to all shades of opinion in the Legislature, and indeed was composed of members of the Legislature with the exception of the President, a retired High Court Judge, and one official.

In accordance with this policy, the Congress party in the Legislature were asked to nominate representatives and Mr. Sarat Chandra Bose and Mr. Lalit Chandra Das were nominated. The invitation to the Congress party was issued on the 26th September, 1938, and it was after a considerable interval, that is to say, on 23rd October, that a reply was sent nominating Mr. Bose and Mr. Das. In that reply Mr. Bose said that Government were all aware that the Congress party could not identify itself or agree with Government's policy in respect to political prisoners, but as the policy of Government had been set forth in a communique of September 25th, that is to say, the day prior to the issue of the invitation to Mr. Bose, the latter can have been under no misapprehension as to what Government's policy was, and as to the purpose for which the committee had been appointed, namely, to consider individual cases on their merits and advise Government accordingly.

The committee began its sittings in December, 1938, and although its deliberations have had to be frequently interrupted or postponed, more often than not to suit the convenience of the Congress members, it has examined all but 20. It has made recommendations to Government in 184 cases.

As soon as the recommendations of the committee have been received by Government, they have been taken into consideration and dealt with as rapidly as possible. In 146 cases prisoners have been released as recommended by the committee, and 38 recommendations are still under consideration by Government. In no case has the recommendation of the committee been definitely turned down.

In two cases of prisoners, who are suspected Tubercular subjects, Government considered it necessary to impose certain conditions. In another case where a prisoner was recommended for release on medical grounds, it was found necessary while the committee were considering the case to send the prisoner to hospital to undergo an operation. A successful operation for Appendicitis was performed and the prisoner is now convalescent. As the diagnosis on which the committee made their recommendation has been modified as a result of the operation, the case has been referred back to them for further consideration. In another case a prisoner's mental condition came into question, and on receiving the recommendation of the committee, Government had the prisoner examined by an expert. He recommended certain treatment which has been carried out and the prisoner is about to be examined again before Government pass orders on this case. Finally, in one case Government had to refer the recommendation of the committee back to them for further consideration. After interviewing the prisoner the committee repeated their recommendation; it has been accepted by Government and the prisoner had been released.

At the first meeting of the committee it was agreed by all the members that their proceedings should be regarded as confidential and that

statements, if any, should only be made with the authority of the President, if possible, after consulting the committee as a whole. The publication, therefore, of the correspondence purporting to have passed between Mr. Sarat Chandra Bose and Mr. Gandhi in which reference is made to the proceedings of the committee in certain cases and to the attitude of individual members is a breach of confidence. It is the publication of this correspondence which has led the prisoners in the Alipore and Dum Dum Central Jail to come to totally unjustified conclusions regarding the relations between Government and the committee. As described above, both Government and the committee have proceeded steadily and consistently to carry out their respective parts in the policy announced in September, last year. The deliberations of the committee are not complete. Government are not yet in possession of all their recommendations. Until the committee's recommendations have been received and considered, Government naturally are not in a position to come to any final decision in the case of any individual prisoner. Other than the letter of resignation, Government have received no communication either from Mr. Bose or Mr. Gandhi, they were not sent copies of the correspondence, nor were they informed of the correspondence or of the intention to make it public.

Mr. Bose in submitting the resignations of himself and Mr. Das stated that the reason for their resignation was that their approach to the question of release of the convicted prisoners differed fundamentally from that of most of the other members of the committee. In informing the President of the committee that they had resigned, Mr. Bose expressed gratitude for the unfailing courtesy and consideration with which he and his colleague had been treated. The conclusion, therefore, is that it was no failure on the part of Government to implement their policy that led to the resignation. The plain fact is that Mr. Bose failed in an endeavour to make the committee as a whole agree to the immediate unconditional release of every case placed before them. There has been and can be no question of an alteration in the policy of Government or of a failure of Government to implement that policy, nor has there been on the part of the committee any failure to allow the representatives of the Congress party the fullest opportunity and latitude to represent their particular views. Government, however, were anxious that Mr. Bose's defection should not leave the Congress party unrepresented on the committee and they accordingly at once wrote and enquired whether the party desired to nominate representatives to replace Mr. Bose and Mr. Das. In reply, Government were informed that as Mr. Bose's views could not be harmonized with those of the committee, and as the party accepted Mr. Bose's views, there could be no possibility of any other member or members participating in the proceedings of the committee. This disposes of the suggestion that they should be reinvited to join the committee.

The release of terrorist convicts can only be justified if there exists and is maintained an atmosphere unfavourable to a recrudescence of violence and terrorism. In spite of dangerous speeches and writing in certain quarters and clear indications in Bengal of a drift away from constitutional agitation and non-violence, Government have felt in the absence of any serious overt acts that they were for the time being justified in proceeding with their policy of clemency. A hunger-strike is an open threat to Government and can only be designed to create a serious agitation for the release of these prisoners which would itself destroy that atmosphere and render a continuance of the policy impossible. Until the maintenance of a suitable atmosphere has been assured, Government will suspend releases and will direct the committee to suspend their consideration of the remaining cases submitted to them.

As has been said Government have appointed to advise them a committee of representatives of the different parties in the Legislature. Their policy and the composition of the committee have been before the public for many months. At the time of the budget and on innumerable other occasions during a lengthy session, opportunities have occurred for challenging this policy or for demonstrating that it was not in accordance with the wishes of the Legislature, to which the Ministry is responsible. On no single occasion, however, has it for one moment been questioned in the Legislature. The assertion which has sometimes been made that the attitude of Government in this matter is undemocratic or not in accordance with the wishes of the people is belied by these facts. On the contrary, it is demonstrable that not only have Government approached the general problem in a conciliatory spirit, but they have been careful to associate with them at every stage members of the Legislature, including those whose views, they knew, were not identical with their own.

Of the terrorist prisoners still in jail, 11 were convicted for participation in organised raids in which serious loss of life was occasioned. Another 21 took part in dacoities in which in most cases serious and indiscriminate violence occurred. Twelve have been convicted of plain and deliberate murder or attempts to murder, 11 took part in robberies with violence, 10 were convicted of the illicit possession of firearms, another 11 of assaults of various kinds and 24 were convicted for conspiracy to commit crimes of a similar character.

In conclusion, I would like to state or rather remind the House that Government had released over 3,000 detenus and 200 convicted political prisoners.

Dr. NALINAKSHA SANYAL: How many are still detained now?

The Hon'ble Khwaja Sir NAZIMUDDIN: About a hundred.

Rai HARENDRA NATH CHAUDHURI: 94.

Mr. SARAT CHANDRA BOSE: May I enquire if we will have an opportunity of discussing the statement that has just now been read by the Hon'ble the Home Minister?

Mr. SPEAKER: If it is the desire of the Opposition I think a day should be allotted as early as possible.

The Hon'ble Khwaja Sir NAZIMUDDIN: Government would be prepared to do so.

Mr. SARAT CHANDRA BOSE: May I suggest Monday next, or Tuesday at the latest?

The Hon'ble Khwaja Sir NAZIMUDDIN: I hope Mr. Bose will not insist on Monday as he knows very well that we do want to get through the Calcutta Municipal (Amendment) Bill. I think Tuesday will be more convenient.

Mr. SARAT CHANDRA BOSE: What about to-morrow? Will the Hon'ble Home Minister agree to it? The matter is very urgent. (Interruptions from the Coalition Benches.) Sir, I am not accustomed to these interruptions.

Mr. SPEAKER: I am the one person who is most accustomed. (Laughter.)

Mr. SARAT CHANDRA BOSE: Sir, may I suggest, having regard to the importance of the matter and the information we have just now received that the hunger-strike has been started, that a very early date should be fixed for the discussion of the question? Speaking for myself, I want to have the earliest opportunity for criticising some of the remarks which have been made by the Hon'ble the Home Minister for which there is absolutely no foundation. For instance, I am citing this as an illustration, it has been said that I have been guilty of what may be termed as a breach of confidence.

Privilege Motion.

Dr. NALINAKSHA SANYAL: May I rise on a very important question of privilege, Sir,—a matter to which I have already drawn your attention and for which I have handed over to you a privilege motion, which I propose to move?

Mr. SPEAKER: I quite admit the importance of this. I have just received it; to be more precise I received it only five minutes back. Further, an adjournment motion to that effect has been tabled and sent to our department at half-past eleven this morning. I received it a little late this afternoon. I am not yet clear in my own mind as to whether this adjournment motion is in order. But I have not disallowed it. It will take a little time for me to consider it. But in case I do not allow the adjournment motion, I shall certainly consider the desirability of allowing a privilege motion, and in case I agree, a very early date will be fixed. What I find is that you have raised the question that Government watch the freedom of movement of members of the Legislature in the province and particularly in their respective constituencies. So far as the form is concerned, there is nothing objectionable. But I am still considering whether this adjournment motion should be allowed.

Dr. NALINAKSHA SANYAL: In that case, Sir, I am prepared to wait.

Mr. SPEAKER: I can assure you, Dr. Sanyal, that I want to accommodate you as far as possible. But before doing so, I must be convinced that the motion is in order And for that reason I want a little more time to decide.

Discussion on the Statement regarding Hunger-Strike by Political Prisoners.

Mr. SARAT CHANDRA BOSE: Sir, I have not had an answer from the Hon'ble the Home Minister whether he agrees to have a discussion to-morrow.

Mr. SPEAKER: The Hon'ble the Home Minister says that it will not be possible to fix to-morrow at a short notice.

Mr. SARAT CHANDRA BOSE: I suppose Government are ready with all their facts?

Mr. SPEAKER: He says that so far as the date is concerned, it will be taken up as soon as the Municipal Bill is finished. As regards to-morrow, it is not a question of absence of facts but a question of inconvenience to a large number of members who have already arranged to go home.

Mr. NIHARENDU DUTTA MAZUMDAR: Are we to see to that even when people are on hunger-strike? You, Sir, as the custodian of this House, may at least consider this point whether you should personally intervene in the matter of the grave situation which has arisen as a result of the hunger-strike.

Maulvi MUHAMMAD ISHAIL: Do not be so laconic.

Mr. NIHARENDU DUTTA MAZUMDAR: But do not forget that you are sitting there by the grace of these hunger-strikers.

Mr. SPEAKER: Order, order. I hope on a question like this the House should talk in a more sober way. If the power lay in me, I should certainly have considered the question most sympathetically, but what I can do is to convey the wishes of the House to the proper quarters. In case the Municipal Bill is finished by Monday, I would be quite prepared to have a late hour sitting on Monday night.

Mr. NIHARENDU DUTTA MAZUMDAR: It is through you, Sir, that I only wish to make my appeal to the Hon'ble Minister to have a very early date for that matter. It is unfortunate——

Mr. SPEAKER: After the statement made by the Leader of the Opposition in this connection, I think it is not necessary to continue this discussion on the matter any more.

We shall now proceed with the Calcutta Municipal Bill.

Mr. ATUL KRISHNA GHOSE: Is it a necessary condition, Sir, that the Municipal Bill must be passed before we can have any discussion on the question of hunger-strike?

GOVERNMENT BILL.

The Calcutta Municipal (Amendment) Bill, 1939.

Mr. SYED JALALUDDIN HASHEMY: Sir, in continuation of my yesterday's observations in regard to Mr. Griffiths' motion, I feel inclined once more to say that we have our full sympathy and support——

Mr. RASIK LAL BISWAS: On a point of order, Sir. এ মোসন্ পুরি কি অর্ডারে আলোচনা হবে—সেটা না জানতে পারলে আমাদের বিশেষ অসুবিধা হবে।

Mr. SPEAKER: So far as my position is concerned, I shall take them in the order in which they have been placed, unless there is an agreement between the different sections of the House.

Dr. NALINAKSHA SANYAL: May I nquire on what principle the amendments have been shown in this order?

Mr. SPEAKER: That has been done by the office following the usual convention.

Dr. NALINAKSHA SANYAL: Has there been any ballot?

Mr. SPEAKER: No.

Dr. NALINAKSHA SANYAL: That being the position, it is up to you to decide the order in which these amendments should be taken up.

Mr. SPEAKER: As a matter of fact, I have been repeatedly suggesting that in a motion of this character, it is always advantageous if all the motions are formally moved and discussions take place thereafter. If the Opposition agrees to that, I would be prepared to get all the amendments moved first, and then we may have a general discussion.

Dr. NALINAKSHA SANYAL: May I suggest a compromise, Sir? We might formally move all the amendments and thereafter you may be pleased to divide them into certain main issues, and under such group issues discussions may take place To help you, Sir, may I suggest that there are two or three important issues involved? The first is the number of nominated seats,—that can form one group. Then we have the proposition about reservation—that is another important issue. The third is the reservation of seats for Scheduled Caste members—

Mr. SPEAKER: I think this is a very good suggestion. I agree that so far as the amendments are concerned, they can be divided into three parts. The first is what actually is to be the number of nominated seats. The second point is whether we propose to restore the original clause by putting in the reservation of Scheduled Castes. And if that is not done, the third is whether we want to substitute any other reservation of that character. If the House agrees, I am quite prepared to get all the amendments formally moved, and thereafter to divide the issues in three different ways.

Mr. Khwaja SHAHABUDDIN: Sir, as far as this classification is concerned, I agree that the amendments may be moved first; but as far as the discussion is concerned, I think there ought to be one discussion only, and I also submit that there should be a reasonable time-limit to the speeches.

Mr. SPEAKER: I should say that, if there is an agreement in the House, so far as the number is concerned, as to whether it should be eight, nine or ten or whatever it is, the discussion on it should take place for about an hour. The subject of restoration of the original clause should take about an hour and a half, and so far as the other matters are concerned, it may take a longer period, say, two hours or two hours and a half. It will take about one and half hours to finish the "restoration" of the original clause, and as regards "reservation" it will take 2 or 2½ hours. Is that agreed to?

Mr. KHWAJA SHAHABUDDIN: Sir, instead of having a separate discussion on each issue, when a member is speaking he may be permitted to speak on either of the amendments (Dr. Nalinaksha Sanyal: No, no. That will be confusion worse confounded.) and there will be one general discussion.

Mr. SPEAKER: If you consider it carefully, I hope you will agree that my suggestion is the best in the circumstances.

Mr. KHWAJA SHAHABUDDIN: If you agree to impose a time-limit for the speeches, I have no objection, Sir.

Mr. SPEAKER: I fix 1 hour's time for the discussion about "number," 1½ hour's time for the discussion about the restoration of the original clause and 2 or 2½ hours' time for the other clauses.

Dr. NALINAKSHA SANYAL: The third matter will not come up for discussion before Monday.

Mr. SPEAKER: Naturally. To-day we shall try to finish the "number" provision as well as the restoration of the original clause.

Dr. NALINAKSHA SANYAL: And reservation also?

Mr. SPEAKER: I must first of all dispose of the "number" provision and then the "restoration" of the original clause. I call that "reservation" because that is how it is described in the amendments. Restoration of the original clause must be finished to-day if possible, and then we shall take up other matters.

Mr. DEBI PROSAD KHAITAN: May I submit one thing, Sir? So far as the "number" and "reservation" are concerned, it seems to me that they are interrelated and interconnected with each other. So, I would suggest that all the amendments may be moved first and after that we can have discussion.

Mr. SPEAKER: Yes, full discussion. I think, Mr. Khaitan, the net result will be the same. So far as the putting of the amendments is concerned, you can leave that to me as to how to put them. Let the amendments be formally moved first. That will simplify matters.

Dr. NALINAKSHA SANYAL: We can only agree to this arrangement if you give us an assurance that there will be no attempt on the part of Government to put closure motions and thus stop the discussion and also that you will not put the most exclusive clauses first.

Mr. SPEAKER: So far as the putting of the motions is concerned, that is entirely for me, but so far as the closure motions are concerned, I might tell the House that I want to finish this matter by 8 p.m. on Monday next.

Mr. KHWAJA SHAHABUDDIN: Sir, we are prepared to accept that offer provided no attempt is made to deviate from this arrangement.

Mr. SPEAKER: You can rest assured that there will be no deviation. Let all the amendments be moved formally first and then there will be discussion, and on Monday at 7-30 p.m. I shall put all the amendments to vote in such manner as I consider it necessary.

Mr. SARAT CHANDRA BOSE: I take it that this arrangement is subject to emergencies and exigencies!

Mr. SPEAKER: Naturally.

Mr. SYED JALALUDDIN HASHEMY: Sir, I may be permitted to finish my speech. (Laughter.)

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to move that in clause 3(2), in lines 1 and 2 of the proposed clause (*b*), for the words "four Councillors to be appointed by the Provincial Government," the words "eight Councillors to be appointed by the Provincial Government, of whom three shall be members of the Scheduled Castes and the remainder shall be appointed" be substituted.

Sir, there is a mistake here; the word "shall" after the words "the remainder" has been omitted. In moving my amendment, I have incorporated that.

Mr. SPEAKER: That's all right. Amendment No. 10-12 is not in order.

Dr. NALINAKSHA SANYAL: Are we to understand, Sir, that the Hon'ble Minister wants to make some alteration?

Mr. SPEAKER: I have seen the original copy. The fact is that there was a mistake in typing, with the result that there was a mistake in printing also. The word "shall" was omitted.

Mr. PULIN BEHARY MULLICK: Sir, I beg to move that in clause 3(2), in line 1 of the proposed clause (*b*), for the word "four" the word "eight" be substituted.

Dr. NALINAKSHA SANYAL: You don't want reservation for the Scheduled Castes? Funny!

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move that in clause 3(2), in line 1 of the proposed clause (*b*), for the word "four" the following words be substituted, namely:—

"Five of whom one should be the Chairman, Calcutta Improvement Trust, one Scheduled Caste and three ladies—one Muslim, one Hindu and one Anglo-Indian."

Sir, I beg to move that in clause 3(2), in line 1 of the proposed clause (*b*) for the word "four," the following words be substituted, namely:—

"Five of whom one should be the Chairman, Calcutta Improvement Trust, three ladies—one Muslim, one Hindu and one Anglo-Indian and the Director of Public Health of Government of Bengal"

Mr. SPEAKER: I am not quite clear in my mind whether these are in order.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move that in clause 3(2), in line 1 of the proposed clause (*b*) for the word "four," the following words be substituted, namely:—

"Three, of whom one should be Chairman, Calcutta Improvement Trust, and two ladies—one Hindu and one Muslim."

Mr. SANTOSH KUMAR BASU: Sir, I beg to move that in clause 3(2), in line 1 of the proposed clause (*b*) for the word "four," the word "three" be substituted.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move that in clause 3(2), in line 1 of the proposed clause (*b*) for the word "four," the following words be substituted, namely:—

"One Indian Christian, one Budhist and one Jew."

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move that in clause 3(2), line 1, of the proposed clause (*b*) for the word "four," the following words be substituted, namely:—

"Two, of whom one should be the Director of Public Health Government of Bengal, and the Chief Engineer of the Government of Bengal."

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 3(2), in line 1, of the proposed clause (*b*) for the word "four," the word "two" be substituted.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move that in clause 3(2), in line 1, of the proposed clause (*b*) for the word "four," the following words be substituted, namely:—

"One representative of the Moslem Chamber of Commerce and one Moslem female as."

Sir, I beg to move that in clause 3(2), in line 1 of the proposed clause (*b*) for the word "four," the following words be substituted, namely:—

"One representative of the Moslem Chamber of Commerce and one representative of the Indian Christians as."

Sir, I beg to move that in clause 3(2), in line 1, of the proposed clause (*b*) for the word "four," the following words be substituted, namely:—

"Two representatives of the Moslem League as."

Sir, I beg to move that in clause 3(2), in line 1, of the proposed clause (*b*) for the word "four," the following words be substituted, namely:—

"Two representatives of the Moslem League, one male and one female as."

Sir, I beg to move that in clause 3(2), in line 1, of the proposed clause (*b*) for the word "four," the following words be substituted, namely:—

"One representative of the Krishak Proja Party and one representative of the Congress Party as."

Sir, I beg to move that in clause 3(2), in line 1, of the proposed clause (*b*) for the word "four," the following words be substituted, namely:—

"One Moslem female and one Hindu female."

Sir, I beg to move that in clause 3(2), in line 1, of the proposed clause (*b*) for the word "four," the following words be substituted, namely:—

"One Moslem female and one representative of the Indian Christians as."

Sir, I beg to move that in clause 3(2), in line 1, of the proposed clause (*b*) for the word "four," the following words be substituted, namely:—

"One Indian Christian and one Budhist."

Sir, I beg to move that in clause 3(2), in line 1, of the proposed clause (*b*) for the word "four," the words, "one Moslem and one Hindu" be substituted.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I beg to move amendment No. 70 that stands in my name, namely,——

Mr. SPEAKER: Amendment No. 70 does not arise; it is also out of order. As a matter of fact, I am not clear in my own mind whether the amendments which are being moved are all in order or not, but for the time being I am allowing all the amendments to be formally moved. In case, however, it transpires later on that some of them are not in order, they will of course fall through.

Mr. SYED JALALUDDIN HASHEMY: Then may I move my amendment, Sir?

Mr. SPEAKER: But your amendment does not fit in here. (Dr. NALINAKSHA SANYAL: Do you mean, Sir, as regards the language?) Yes, as regards the language. Anyway, I shall allow you, Mr. Hashemy, to move your amendment for the time being.

Mr. SYED JALALUDDIN HASHEMY: Thank you, Sir.

I beg to move that in clause 3 (2) in line 1 of the proposed clause (*b*) for the word "four," the word "one" be substituted and that one should be the Chairman of the Calcutta Improvement Trust.

Mr. SPEAKER: What is the meaning of that word? Anyway, we shall consider that later on when the question of admissibility will be considered.

Mr. SANTOSH KUMAR BASU: Sir, I beg to move that in clause 3 (2), in line 1 of the proposed clause (*b*), for the word "four," the word "one" be substituted.

Mr. BANKU BEHARI MANDAL: I beg to move that in clause 3 (2), in lines 1 and 2 of the proposed clause (*b*), after the words "Provincial Government," the following words be reinstated, namely:

"Of whom three shall be members of the Scheduled Castes and the remainder shall be appointed"

Dr. NALINAKSHA SANYAL: I beg to move that in clause 3 (2), in lines 1 and 2, of the proposed clause (*b*), after the words "Provincial Government," the following be inserted, namely:

"Of whom at least half shall be non-official experts in some field connected with the administration of the affairs of the municipality"

I beg to move that in clause 3 (2), in lines 1 and 2, of the proposed clause (*b*), after the words "Provincial Government," the following be inserted, namely:—

"Of whom at least half shall be ladies."

I beg to move that in clause 3 (2), in lines 1 and 2, of the proposed clause (*b*), after the words "Provincial Government," the following be inserted, namely:—

"Of whom at least half shall be from amongst the number of ex-Mayors and ex-Deputy Mayors not elected as Councillors."

I beg to move that in clause 3 (2), in lines 1 and 2, of the proposed clause (*b*), after the words "Provincial Government," the following be inserted, namely:—

"Of whom at least two shall be from among the heads of recognised institutions for technical and general education in the city."

I beg to move that in clause 3 (*2*), in lines 1 and 2, of the proposed clause (*b*), after the words "Provincial Government," the following be inserted, namely:—

"Of whom at least two shall be from among the leading medical men of this city."

I beg to move that in clause 3 (*2*), in lines 1 and 2, of the proposed clause (*b*), after the words "Provincial Government," the following be inserted, namely:—

"Of whom at least two shall be members of the Scheduled Castes."

I beg to move that in clause 3 (*2*), in lines 1 and 2, of the proposed clause (*b*), after the words "Provincial Government," the following be inserted, namely:—

"Of whom at least one shall be from among the reputed engineers residing in this city."

I beg to move that in clause 3 (*2*), in lines 1 and 2, of the proposed clause (*b*), after the words "Provincial Government," the following be inserted, namely:—

"Of whom at least one shall be the Chairman of the Calcutta Improvement Trust."

I beg to move that in clause 3 (*2*), in lines 1 and 2, of the proposed clause (*b*), after the words "Provincial Government," the following be inserted, namely:—

"Of whom at least one shall be a nominee of the Calcutta Improvement Trust."

I beg to move that in clause 3 (*2*), in lines 1 and 2, of the proposed clause (*b*), after the words "Provincial Government," the following be inserted, namely:—

"Of whom at least one shall be the Chairman of a Suburban Municipality."

I beg to move that in clause 3 (*2*), in lines 1 and 2, of the proposed clause (*b*), after the words "Provincial Government," the following be added, namely:—

"Of whom at least one shall be an Indian Christian rate-payer of the city."

I beg to move that in clause 3 (2), in lines 1 and 2, of the proposed clause (*b*), after the words "Provincial Government," the following be inserted, namely:—

"On the recommendation of the Bengal National Chamber of Commerce, the Indian Chamber of Commerce, the Muslim Chamber of Commerce and the Bengal Mahajan Sabha."

Mr. PATIRAM ROY: I beg to move that in clause 3 (2) in line 2 of the proposed clause (*b*) the comma (,) be deleted after the word "Government."

Mr. SPEAKER: I may assure you that the matter of punctuation is entirely for us to decide.

SJ. NARENDRA NATH DAS GUPTA: I beg to move that in clause 3(2), in line 2 of the proposed clause (*b*) after the word "Government" the following words be inserted, namely:—

"Who shall be members of the Scheduled Castes after ascertaining the opinion of the Scheduled Caste rate-payers of the Municipality."

Mr. RASIK LAL BISWAS: I beg to move that in clause 3 (2), in line 2 of the proposed clause (*b*) after the word "Government" the following words be inserted, namely:—

"Of whom three shall be members of the Scheduled Castes as recommended by the All-Bengal Scheduled Castes Federation."

I beg to move that in clause 3 (2), in line 2 of the proposed clause (*b*) after the word "Government" the following words be inserted, namely:—

"Of whom three shall be members of the Scheduled Castes as recommended by the members belonging to the Scheduled Castes in the Bengal Legislative Assembly and the Bengal Legislative Council in a joint meeting to be held for the purpose."

I beg to move that in clause 3 (2), in line 2 of the proposed clause (*b*) after the word "Government" the following words be inserted, namely:—

"Of whom three shall be members of the Scheduled Castes as recommended by the Councillors of the Calcutta Corporation in the way they elect Aldermen."

I beg to move that in clause 3 (*2*), in line 2 of the proposed clause (*b*) after the word "Government" the following words be inserted, namely:—

"Of whom three shall be members of the Scheduled Castes as elected by the Hindu Members of the Cabinet in a method of single distributive voting."

I beg to move that in clause 3 (*2*), in line 2 of the proposed clause (*b*) after the word "Government," the following words be inserted, namely:—

"Of whom three shall be members of the Scheduled Castes as recommended by the voters of the Municipal Election belonging to the Scheduled Castes of the city of Calcutta, in a meeting to be held for the purpose under the rules made by the Government."

I beg to move that in clause 3 (*2*), in line 2 of the proposed clause (*b*), after the word "Government," the following words be inserted, namely:—

"And these three shall be members of the Scheduled Castes and as recommended by the voters of Wards Nos. 4, 27 and 29 (each ward one member) as provided by the Government in rules made for the purpose."

I beg to move that in clause 3 (*2*), in line 2 of the proposed clause (*b*), after the word "Government," the following words be inserted, namely:—

"Of whom one shall be the Chairman of the Calcutta Improvement Trust and two ladies to represent two major communities of the city."

I beg to move that in clause 3 (*2*), in line 2, of the proposed clause (*b*), after the word "Government" the following words be inserted, namely:—

"Of whom two shall be members of the Scheduled Castes as recommended by all the Scheduled Castes organisations of Calcutta in a joint meeting to be held for the purpose under the rules made by the Corporation of Calcutta."

I beg to move that in clause 3 (*2*), in line 2, of the proposed clause (*b*), after the word "Government" the following words be inserted, namely:—

"And these two Councillors shall be members of the Scheduled Castes as recommended by the non-official members of the Bengal Legislative Assembly and Bengal Legislative Council belonging to the Scheduled Castes."

I beg to move that in clause 3 (*2*), to the proposed clause (*b*), the following proviso be added, namely:—

"Provided that four Councillors shall be the members of the Scheduled Castes as recommended by the residents of one or more wards of Calcutta according to rules to be framed by the local Government."

I beg to move that in clause 3 (*2*), to the proposed clause (*b*), the following proviso be added, namely:—

"Provided that the members to be appointed from the Scheduled Castes shall be on the recommendation of the members of Provincial Legislatures at a meeting to be convened for this purpose, by the Government."

Mr. DEBI PROSAD KHAITAN: I beg to move that in clause 3 (*2*) after the proposed clause (*b*) the following new sub-clause be added, namely:—

(*bb*) Four Councillors to be appointed as follows:

(*i*) one by the Indian Chamber of Commerce,

(*ii*) one by the Bengal National Chamber of Commerce,

(*iii*) one by the Muslim Chamber of Commerce, and

(*iv*) one by the Marwari Association.

Such appointments to be made according to the rules prescribed by the Provincial Government.

Mr. SYED JALALUDDIN HASHEMY: In continuation of my yesterday's observations with regard to the motion, I feel inclined once again to declare that we have every sympathy and support for the legitimate claim of the Anglo-Indian community of Calcutta to have one more seat in the Calcutta Corporation, but I regret very much to oppose the motion of Mr. Griffiths in its entirety. The reason, as I have already stated, is obvious. We are opposed to the principle of the system of nomination. On more than one occasion on the floor of this House system of nomination has been criticised severely and condemned by all sections of this House and the public outside. This system is bad—bad so far as it affects the growth, development and progress of democratic institutions of this province.

Mr. SPEAKER: I am afraid if you are not speaking on Mr. Griffiths's motion, your point is wholly out of order. The House has already accepted nomination, and the only question you can ask is as to whether the number should be eight or four.

Mr. SYED JALALUDDIN HASHEMY: I am coming to that.

We could have supported Mr. Griffiths's motion only if he confirmed the decision arrived at by the Upper House and if he demanded one more seat for the Anglo-Indian community of Calcutta, we would have been glad to support his motion. The original proposition of the Government was for 8 seats to be allotted for the nominated members in the Calcutta Corporation. We suggested many alterations, but the Government by a sheer majority of votes carried their proposition. But in the Upper House constituted as it is, Government have a clear majority. The Upper House, if I may say so, is the House of Lords of this Province. (A VOICE: House of Lords!) We are commoners and the other House is the House of Lords. The Upper House after careful consideration gave their decision reducing the number from eight to four. The day when the Upper House made that decision, the number of members attending the meeting was more than 40. Therefore, it can be said that the House was well represented and the matter was thoroughly discussed by the members of the House of Lords. There was a division and the motion for reducing the number of seats from eight to four was carried by a majority of votes. (A VOICE: Of how many?) Whatever it may me. In democratic institutions the number does not count. Whether it is a majority of one, two or three, is immaterial. It was carried. Yesterday I had no idea what would be the attitude of Government with regard to the number of nominated members, but to-day when the Hon'ble Minister moved his motion, it was clear that Government insist on their previous decision.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That was the decision of the House.

Mr. SYED JALALUDDIN HASHEMY: But a certain strong section opposed the idea of giving eight seats through nomination. In all fairness I may say that possibly this is the only example during the last two years excepting the Finance Bill where there was slight modification by the Upper House, and when it came back to us, Government did not accept the decision of the Upper House. (A VOICE: That is not the only occasion.) So far as I know this is the only occasion during the last two years when Government is not prepared to accept the decision of the Upper House.

(Here the member having reached his time-limit, resumed his seat.)

Mr. DEBI PROSAD KHAITAN: I rise just to give reasons for the amendment that I have moved. It is for the purpose of securing representation for the Indian mercantile community on the Corporation of Calcutta through such bodies as have been recognised for the purpose of getting representation on this House itself. Members of this House

will remember that the bodies that were selected from the Indian mercantile community for the purpose of representation on this House were selected after very careful consideration not only at the hands of a committee appointed in this province, but also by the Hammond Committee which toured throughout the country. Therefore, so far as the selection of the bodies is concerned, there can be no doubt whatsoever about their position.

The next question is whether the principle of giving representation to the Indian mercantile community should be accepted or not. I find that on the amendment that has been accepted by this House as also by the Upper House every important section has been given representation except the Indian mercantile community. My friends of the European mercantile community have got representation to the extent of 10, 6 through the Bengal Chamber of Commerce and 4 through the Calcutta Trades Association. Labour has also got representation to the extent of two Councillors on the Calcutta Corporation. The Anglo-Indian community has got representation, so have the General constituency and the Muhammadan constituency. I fail to understand why the Indian mercantile community should be the only community which should be ignored. I do hope that all sections of this House will consider that it is fair and just that due representation should be given to the Indian mercantile community, and hope that the Government will seee it fit to accept the amendment that I have moved.

Mr. SANTOSH KUMAR BASU: I understand that the agreement was that you would allot about an hour

Mr. SPEAKER: That was abandoned. That was what I suggested. Mr. Khaitan was pointing out that we could not discuss the number without knowing for what purpose it would be allotted. On that it was agreed that the discussion would go on till Monday. There are now three points. The first is the question of number; the second is whether we should restore the original clause and the third is if any other reservation is considered necessary, and, if so, for what purpose.

Mr. SANTOSH KUMAR BASU: Sir, in rising to support the amendment which I have placed before this House that the number of nominated seats should be reduced to one, I welcome this opportunity which has presented itself before the House of considering this question of nomination once again. The Bengal Legislative Council has really pointed the way to the solution of the vexed problem of nomination in the Calcutta Corporation and incidentally in the local bodies in the province. Sir, on the last occasion when this Bill was discussed on the floor of this House the question of nomination was agitated from different points of view and all the arguments which could be adduced

against this system were considered and discussed threadbare. I do not know, Sir, that there was one single voice raised in support of this system of nomination, in support of the perpetuation of this system of nomination in the Corporation of Calcutta. Even the Hon'ble Minister in charge of this Bill had to admit that the system of nomination is under the scrutiny of Government at the present moment not only with regard to the Corporation of Calcutta but also with regard to the other local bodies in the province. He has also, if I am not disclosing a secret, adopted that attitude in the Select Committee and even on the floor of this House he has made it perfectly clear that the Government have certainly not made up their mind finally that the system of nomination should be perpetuated in the local bodies of Bengal. I understand, Sir, that is the attitude which the Government still maintain with regard to this matter. If the system of nomination is under scrutiny and examination, if the Government's ultimate desire be to abolish this system all over this province, then why not reduce the number, so far as the Corporation of Calcutta is concerned, to the minimum? I am suggesting the figure "one," or the figure of three or the figure of two so that you may just continue it on the statute so far as the Corporation of Calcutta is concerned until your final decision with regard to this system is ultimately arrived at. My purpose in reducing the number from four to one is just to give the Government an opportunity of finally deciding this question with regard to all local bodies in Bengal and in the meantime just to keep one nominated seat so that a violent departure from the past might not be effected before the final decision is arrived at. That is the reason, Sir, why I have kept that one seat. There is meaning and purpose in retaining that one seat because the Chairman of the Calcutta Improvement Trust has got to be given a seat through the door of nomination inasmuch as he has not been made an *ex-officio* member in the statute itself. You have got to secure the presence and the association of the Chairman of the Calcutta Improvement Trust on the Calcutta Corporation. There is no other agency, there is no other method by which his recruitment may at present be effected. That is my purpose, Sir, why I have suggested that this number might be reduced to one. So far as the general policy of nomination is concerned, that has been discussed before, and the Hon'ble Minister has himself admitted, as I have said, that that policy has not finally received the seal of approval so far as the present Government is concerned. Sir, I might remind the Hon'ble Minister that the Government of India Act by which he swears, if I may be permitted to use that expression, so far as the present Bill is concerned, the Government of India Act which has been made the foundation of this Bill in the Statement of Objects and Reasons has given the final go-by to the system of nomination so far as the Provincial Legislatures are concerned. (A VOICE: Here and not in the Council.) So far as the Upper Houses, the Legislative Councils, are concerned, my honourable

friend reminds me that the system is still in vogue. I fully agree, and that is just the system which I had advocated for the Corporation of Calcutta on the last occasion. It is only if it is considered necessary that members should be nominated to the Council, that nomination is resorted to under the Government of India Act. It is not incumbent upon the Government to nominate members to the Upper Houses if they do not consider it necessary. So far as the Assembly is concerned the system of nomination has been completely abolished by the Government of India Act because it is undemocratic, because it is against the spirit of the times, because it militates against the very spirit which permeates or professes to permeate the Government of India Act. Now in the Legislative Council the system of nomination is still retained no doubt, but retained in what form? only if it is considered necessary by the Government These nominated members do not form an essential or an integral part in the constitution of the Council. Only some power is retained by Government to nominate members, if that is considered necessary in the exigencies of circumstances. Well, I would suggest, as I did on the last occasion, that such power might also be retained, so far as the Corporation of Calcutta is concerned, if it was thought that on the recruitment of members through the door of election the proper type of members had not come Government might then have recourse to nomination if considered necessary to nominate some technical experts on the Corporation of Calcutta. That is the system which prevails in the Upper House That system might with advantage be adopted in the Corporation of Calcutta also. That was not accepted. And at the present moment I cannot go into that aspect of the matter, but as my friend has raised the question of nomination in the Legislative Council, I might just remind him that I would rather welcome that system than having undiluted nomination, which is merely a sycophants' constituency, a self-seekers' constituency, which can only be taken advantage of by those who can propitiate the Gods that be for the time being and not by those who can stand upon their own merit and face an electorate and get through the open door of election to a democratic body. That is the difference between nomination and election in deliberative bodies. Sir, I would ask my friend, the Hon'ble Minister in charge, to accept the amendment which I have proposed. It might mean that the matter will go back to the Council again—in any case it will. It will for the time being enable the Government to give a lead in the matter, to come to some sort of a decision with regard to the question of nomination, not only for this particular local body in Calcutta but throughout the province. If they now accept this amendment and decide to limit the number of nominations to one in the Corporation and appoint the Chairman of the Calcutta Improvement Trust to that one single nominated seat, Government will not only solve the problem so far as the Calcutta Corporation is concerned, but they will be able to solve

the problem for the whole province of Bengal. They are themselves pestered with requests for nomination to all these local bodies. Let them make a beginning, let them definitely make up their mind so far as the metropolitan local body is concerned, let them definitely take their stand and show that they will set their face against this principle and abolish nomination. The Calcutta Improvement Trust is practically a part, an integral part of the Corporation itself. It is financed by the Corporation, it caters to the needs of the Corporation; it serves the purpose of the Corporation as an *ad hoc* body charged with the duty of opening out new roads and parks and increasing the amenities of this city. From that point of view I think the Chairman of the Calcutta Improvement Trust ought to have a seat, an honoured seat and a useful seat on the Corporation of Calcutta. And one seat should be reserved for him. There is no other door open to him now in the statute except nomination. That is why I am suggesting that one seat should be reserved for a definite purpose. I would ask the Hon'ble Minister-in-charge to make up his mind, and I would also ask the Cabinet to definitely come to a decision at this moment on the question of nomination which can be given effect to not only in the Corporation of Calcutta but ultimately in the whole of Bengal.

Maulvi ABU HOSSAIN SARKAR: Sir, in moving my amendment, I want to make the best of a bad bargain. As my party made it clear in their election manifesto that they wanted to abolish the system of nomination, I cannot but be inclined to do away with that system altogether from all local bodies. But as the House has accepted the principle of nomination with respect to this Bill and as at this stage it is not possible to move an amendment to abolish the system of nomination, I move some other amendments which mean that I propose to reduce the number of nominated seats from 4 to 3 or to 2.

Sir, in moving these amendments I propose that the nomination should be made from the community comprising the Indian Christians, the Buddhists and the Jews. At the same time I propose that one nomination should be made from the Muslim Chamber of Commerce and one from Muslim ladies or from other unrepresented commercial groups.

Sir, we had criticised the system of nomination in detail when this Bill was discussed in this House previously. Now we have got another opportunity of discussing it. Therefore, Sir, at this second earliest opportunity I would try to reduce the number of nominated seats from 4 to 3 or to 2. (Maulvi MUHAMMAD ISRAIL: Why not one?) It is reserved for you. The system of nomination, as I have submitted, cannot be supported on historical grounds, because it takes us to the middle ages when the autocratic Governments compromised with the rising democracy, and in order to keep their hold over the country the Kings

and the Governments of the mediæval age proposed nominations to meet the demands of the rising tide of democracy. Subsequently most of the democratic countries abolished the system of nomination, but in our country the system of nomination was retained only to keep our masters in power and to do anything according to their wish in the elected bodies. The Government of India Act which came into force in 1937 abolished the system of nomination in the Lower Houses of the Provincial Legislatures, and that is practically a hint given to us that downwards from the Provincial Legislature we should not keep the system of nomination in force. But that principle has been given a go-by in the present Bill and the Government is again forcing nomination in the Calcutta Corporation, the premier self-governing institution in our country.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: On a point of order, Sir. After both the Lower House and the Upper House have accepted the principle of nomination, can the honourable member speak about the system of nomination?

Mr. DEPUTY SPEAKER: I think, it is in order.

Maulvi ABU HOSSAIN SARKAR: When the Bill was presented to the House, the Preamble told us that the Bill was introduced mainly to give proper representation to the Muslim community. But I wonder how the interest of the Muslim community will be served by keeping the system of nomination in force or by fixing the number at eight. Nomination will not serve the interest of any community excepting that of the person nominating. The nominated members will not represent the Muslims, or the Hindus or the Christian community. They will be merely electrified dummies. Sir, as I was submitting before the House, the Muslim interest was mainly in the picture when the Bill was first introduced. We suggested several ways which might serve the interests of the Mussalmans in the Calcutta Corporation. We suggested adult franchise, we suggested other means, but nothing was adopted. Here in Calcutta the Muslim population forms only 26 per cent., but according to the present arrangement only 10 per cent. of the people will be able to vote. I submit, a man will be truly representative if at least 50 per cent. or more of the population can vote for him. The persons who will not be so elected to the Calcutta Corporation will not truly represent the Muslim community, not to speak of the eight nominated members who will have no connection with any community whatsoever. Therefore, I submit, the original purpose of introducing the Bill that they will make true representatives of the Muslim community in the Calcutta Corporation is now forgotten. Instead of doing that, they are retaining eight persons to be nominated to get in power the party which is now running the Government. They are not caring

for the interest of any community or of the country as a whole. In my other amendments I submit that one member at least from the Muslim Chamber of Commerce should be taken in. This body has been recognised by the Parliament also and a representative from that body has been given to this House, but unfortunately a smaller body than the Provincial Legislature were not given any opportunity to have anybody to represent the Muslim Chamber of Commerce. Therefore, if the interest of the Muslims be at heart of the Hon'ble the Mover of the Bill, a provision for representation in the Corporation from that body at least should have been made. But unfortunately it has not been done. I appeal to the House that instead of trying to retain the interest of any particular body in the Calcutta Corporation the interest of the country and the interest of the Muslims and other minorities be kept in view. If the system of nomination is maintained or if eight persons are nominated, it may give balance of power to the foreigners who are practically ruling us. Therefore, instead of doing that, instead of keeping that party in power, it should be our duty to have a proper perspective of the whole thing and we should try to introduce into the country a proper atmosphere of democratic government. Therefore, I submit that my amendments may be taken into consideration and accepted by the House.

Mr. PULIN BEHARY MULLICK: Mr. Deputy Speaker, Sir, the proceedings of this House relating to the subject-matter under discussion are quite fresh in the minds of the hon'ble members of this House because they are too recent. So, an elaborate discussion over again is absolutely unnecessary.

Sir, the Bill, as passed in the Assembly, provided seven seats for the members of the Schedule Castes. But the Council cut down three of these seats. So, Sir, we are left with four seats only. Thus, the people, who are entitled to nine seats in a House of 92, being ten per cent. of the total population of the city of Calcutta, are in the opinion of the Council to have only four seats. The injustice is too glaring to need any comment.

Sir, in order to rectify this injustice, it is necessary to retain these three seats in the nominated list.

Sir, it may now be argued that even within the amended list of nominated seats provision can yet be made for the members of the Scheduled Castes. They may have three seats and the other may go to the Chairman of the Calcutta Improvement Trust. But, Sir, this distribution will exhaust the scanty list of amended nominated seats, and there will be no room for women, labour and other interests. Sir, in order to solve this difficulty, after very careful consideration, eight seats were kept to be filled in by nomination. This, Sir, is the justification for substituting the word "eight" in place of the word "four".

With these words, Sir, I resume my seat.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, the amendment which stands in my name proposes to reduce the number of nominated Councillors from four to two. It is well known, Sir, that the system of nomination is a pernicious system and should be done away with.

If you would look up the Government of India Act, 1935, which controls the Assembly, you will find that the system of nomination should be done away with altogether: it has been done away with in the case of this Assembly, and has practically been done away with in the case of the Council of this province. In view of this clear intention of the Government of India Act, I submit that there is absolutely no reason why the system of nomination should be retained for this city of Calcutta. I submit, Sir, that the object underlying this Bill is not to increase the civic amenities of Calcutta: the object is to convert the majority community into a minority community: the further object of the Bill is to undermine the strength and influence of the Congress in the civic administration of this city.

Sir, if the object of having nominated Councillors is to improve the condition of Calcutta or to improve the civic amenities of this city, then I think that Government should not have any objection in accepting the suggestions of my friend Dr. Nalinaksha Sanyal, such as that at least half of the nominated Councillors shall be non-official experts in some field connected with the administration of the affairs of the municipality, or at least half shall be from amongst the number of ex-Mayors and ex-Deputy Mayors not elected as Councillors, or at least two shall be from among the heads of recognised institutions for technical and general education in the city, or at least two shall be from among the leading medical men of the city, or at least two shall be members of the Scheduled Castes, or at least one shall be from among the reputed engineers residing in this city, or at least one shall be the Chairman of the Calcutta Improvement Trust, or at least one shall be a nominee of the Calcutta Improvement Trust, or at least one shall be the Chairman of a suburban municipality, or at least one shall be an Indian Christian rate-paper of the city, and so on and so forth. I am quite sure, Sir, that the purpose of the Government is not to improve the civic condition of Calcutta; their object is to reduce the majority community into a minority community.

Mr. Deputy Speaker, Sir, it is well known that originally it was provided that seven members of the Scheduled Castes should be nominated, but subsequently under pressure of those members of the Scheduled Castes who support Government it has been provided in the Bill that four members should be elected and three should be nominated. Why is it that the Scheduled Castes should be denied the privilege of election? I am quite sure in my mind that the so-called leaders of the Scheduled Castes who support the Government do not get any support

from members of that community living in the city of Calcutta, because if they had such support they would not have clamoured for nomination. They cannot enter the Corporation of Calcutta by means of election, and so they want to get in by the back door. So, it has been suggested that three Councillors should be nominated from amongst the Scheduled Caste members. But why? My friend Mr. Pulin Behary Mullick has not in any way been able to show why there should be nomination for the Scheduled Castes. Can it be said that the interests of the rate-payers of Calcutta belonging to the various communities are different and not identical? Mr. Deputy Speaker, Sir, I submit that the interests of the various peoples living in this city are one and the same. The interests of the Hindus and of the Muslims are identical. This is a proposition which no one will be able to challenge.

Sir, I submit once again that this Bill is a pernicious Bill and a communal Bill at that, designed to convert the majority community in this city into a minority community.

The Hon'ble the Chief Minister was pleased to observe that the provisions of this Bill were fair, but, Sir, he has openly declared in this House that the real object behind this Bill is not to improve the civic administration of Calcutta—the object is to destroy the strength of the Congress. It is with this end in view that this principle of nomination has been sought to be introduced in this measure, viz., for destroying the strength of the Congress in the affairs of the Calcutta Corporation and converting the majority community of this city into a minority community. The Hindu community forms 75 per cent. of the population of the city of Calcutta and 80 per cent. of the taxes are paid by them. Justice is on their side. I think, I can confidently say that such an unjust Bill has never disfigured the statute book of any civilised country in the world. I am quite sure that my friends on the other side will not look to reason, they will not look to the justice of our cause, but the amendment that has been suggested by the Hon'ble Nawab Habibullah Bahadur of Dacca will certainly be carried by mere force of number—this is tyranny of the number. But before I sit down, I want to remind the Cabinet of the well-known expression of one of the most eminent political thinkers in the world, namely, that justice is power and if it cannot create, it will certainly destroy. I want to remind the House that justice is on our side and justice is power and if it cannot create, it will certainly destroy. With these few words, I commend my motion to the acceptance of the House.

Mr. J. W. CHIPPENDALE: Sir, I rise to support the amendments moved in favour of an extra seat for Anglo-Indians—one of them has been moved by Mr. Hashemy to whom I am grateful—because I feel that an allotment of only two seats for this community, a community which is important in many respects, is totally inadequate. We Anglo-Indians have very many interests in this city: we pay our rates and taxes

It has been said that the landlords pay a large sum of money to the coffers of the Corporation. But, Sir, as a matter of fact if you analyse that statement you will find that not an inconsiderable portion of that large sum is paid by the Anglo-Indians. For every Anglo-Indian pays his occupier's share of the municipal taxes through his landlord. Sometimes he pays it directly and sometimes he pays it indirectly. If the amount of money that is paid by the Anglo-Indian inhabitants of this great city be added up, you will find that the Anglo-Indians certainly pay a good proportion of the total amount of the taxes realised in this city. In the next place there are other interests also which the Anglo-Indians are called upon to protect, namely, their educational institutions. Some of these educational institutions are being forced to leave the town of Calcutta and go outside municipal limits on account of the exorbitant rate of taxes that is imposed on them—whether these taxes are imposed deliberately or imposed in the ordinary course of business, I do not know. But this much is certain that many schools are being compelled to go out of Calcutta in order to exist. They are not doing so for the purpose of bettering their prospects or for attracting more children, but only for the purpose of self-preservation. So, Sir, you will see that we have a large interest to protect, and I feel that representation of our community by only two members is wholly inadequate. We want more. No doubt this is rather a late stage in the proceedings to raise this question, but under section 3 of the Act the number can be increased. I trust that Government will see that proper representation is given to the Anglo-Indians and that justice is done to a community which deserves everything of the best from the hands of every Government whether now existing or which may come into existence in the future.

The House was then adjourned for 15 minutes.

(After adjournment.)

Mr. RASIK LAL BISWAS: সহকারী সভাপতি মহাশয়:—

আমি যে সমস্ত সংশোধনী প্রস্তাব এখানে move করেছি তার পক্ষে দু'একটা কথা বলে আমি সেগুলি সকলকে বুঝিয়ে দিতে চাই। সে কথা বলবার আগে আমি বলতে চাই যে বাংলার তপশীলভুক্ত সম্প্রদায় (Scheduled Castes) গভর্ণমেণ্ট যেভাবে মনোনয়নের (nomination) প্রস্তাব করেছেন সেইভাবে মনোনয়নের বিরোধী। একথা শুধু আমার পক্ষ থেকে বলছি না, সমস্ত বাংলার তপশীলভুক্ত সম্প্রদায়ের পক্ষ থেকে একথা বলছি। যখন এদেশে Simon Commission এসেছিল তখনও আমরা সমস্ত অন্তরের সম্প্রদায়ের পক্ষ থেকে nomination এর বিরুদ্ধে তীব্র প্রতিবাদ জানিয়েছিলাম। যখনই কোন nomination এর কথা এসেছে তখনই বাংলার তপশীলভুক্ত সম্প্রদায় বিনা দ্বিধায়, বিনা সংকোচে কোন স্বার্থবাচক কথা না বলে বলে দিয়েছে "আমরা nominatoin চাই না।" এবং তার ফলে আজ বঙ্গীয় আইন পরিষদে এবং আইন সভায় তপশীলভুক্ত সম্প্রদায়ের কোন nomination এর ব্যবস্থা নাই।

শুধু যে তপশীলভুক্ত সম্প্রদায়ই nomination এর বিরোধী তা নয়, বাংলার সমস্ত সম্প্রদায়ই nomination এর বিরোধী। Nomination কখনই সমর্থন করা যাইতে পারে না। যদি কোন সম্প্রদায়ের কোন লোককে কোন প্রতিষ্ঠানে পাঠাবার দরকার হয় তাহলে সেই সম্প্রদায় নিজের ভিতর থেকে উপযুক্ত এবং যার উপর বিশ্বাস আছে সেইরকম লোককে নির্বাচিত করে পাঠাতে পারে। অন্য আর একটা প্রতিষ্ঠানের,—সে যত বড় প্রতিষ্ঠানই হউক না কেন—উপর নির্ভর করে কোন প্রতিনিধি পাঠাতে চায় না। কারণ তারা জানে এবং বরাবর দেখে এসেছে, শুধু এক জায়গায় নয় সর্বত্র, যে সমস্ত প্রতিনিধি nominated হয়ে যায় তারা সেই সম্প্রদায়ের কোন প্রতিনিধিত্ব করে না। তাদের যারা nominate করে তাদেরই মনোরঞ্জন করার বিষয়ে সচেষ্ট থাকে, এবং সেইটাই হ'ল তাদের স্বার্থ। কারণ তারা জানে সেই অনুগ্রহকারীর মনোরঞ্জন না করে চল্‌লে হয় ত পরের বারে nomination পাওয়া যাবে না। যদি প্রয়োজন হয় এবং অনেক জায়গায় হয়েও থাকে যে সম্প্রদায় থেকে তারা গিয়েছে সেই সম্প্রদায়ের স্বার্থ নষ্ট করতে, সেই সম্প্রদায়ের পক্ষে হানিকর কার্য্য করতে তারা পশ্চাদপদ হয় না। এরূপ দৃষ্টান্ত আমরা অনেক জায়গায় দেখেছি। গভর্ণমেণ্ট যে যে স্থানে nomination দ্বারা বিভিন্ন সম্প্রদায় থেকে প্রতিনিধি পাঠায়েছেন যদি তাহা ভাল করে বিশ্লেষণ করে দেখা যায় তাহলে দেখতে পাই যে সেই সম্প্রদায়ের কোন উপযুক্ত লোক,—সেই সম্প্রদায়ের কোন দরদী লোক সেখানে যায় না। সেই সম্প্রদায়ের স্বার্থরক্ষাকারী কোন লোক সেখানে যায় না। আমি এটা বলে দিতে চাই এখানে সুস্পষ্ট করে এই House এর তপশীলভুক্ত সম্প্রদায়ের অধিকাংশ সভ্যই নির্বাচনের পরিবর্ত্তে এরূপ মনোনয়নের বিরোধী। এই কথাটা তারা অনেকবার বলে এসেছে, division list দেখলেই এর প্রমাণ পাওয়া যাবে। সত্যসত্যই গভর্ণমেণ্ট যদি nomination এর দ্বারা সভ্য গ্রহণের ব্যবস্থা চাপাতে চান তাহলে তার তীব্র প্রতিবাদ আমরা জানাচ্ছি। মিঃ পুলিন মল্লিক বলেছেন যে গভর্ণমেণ্ট ৭টী সদস্য পদ তপশীলভুক্ত সম্প্রদায়কে দিতে চেয়ে ৪টী মাত্র ইলেকশনে ব্যবস্থা করেছেন কাজেই এখন ৩টী নমিনেশনে করা দরকার। মিঃ মল্লিকের কথা অসম্পূর্ণ। যারা অনুন্নত শ্রেণীর নমিনেশনের ৩টী কেটে দিবার জন্য ভোট দিয়াছিলেন তারাই ইলেকশনে ঐ ৩টী সদস্যপদ অনুন্নত সম্প্রদায়কে দিতে চেয়েছিলেন কিন্তু গভর্ণমেণ্টের বিরোধিতায় তাদের প্রস্তাব অগ্রাহ্য হয়। গভর্ণমেণ্ট যে অনুন্নত সম্প্রদায়ের বিরোধী ইহাই কি তার জলন্ত প্রমাণ নয়? গভর্ণমেণ্ট যদি অনুন্নত সম্প্রদায়ের প্রতি সহানুভূতিসম্পন্ন হতেন তাহ'লে গত ২ বৎসর যে ১০জন করে মেম্বর তারা কর্পোরেশনে nominate করছেন তার ৩টী পদও ত অনুন্নত সম্প্রদায়কে দিতে পারতেন?

আজ গভর্ণমেণ্টের একথা বলিবার কোন অধিকার নাই যে তারা nomination এর দ্বারা অনুন্নত সম্প্রদায়ের উপযুক্ত ব্যক্তিকে পাঠাবেন। বরং যাতে অনুন্নত সম্প্রদায়ের ক্ষতি করেও এই গভর্ণমেণ্টের স্বার্থ রক্ষা হয় গভর্ণমেণ্ট সেইরূপভাবে nomination দিবেন। গভর্ণমেণ্টের nominated ব্যক্তিগণ যে তপশীলভুক্ত সম্প্রদায়ের প্রতি সহানুভূতিসম্পন্ন হইবেন না এবং এরূপ লোকের দ্বারা তপশীলভুক্ত সম্প্রদায়ের স্বার্থ রক্ষিত হয় না তার জলন্ত দৃষ্টান্ত এই House এ এবং Upper Chamber এ তপশীলভুক্ত সম্প্রদায়ের সভ্যসংখ্যা বৃদ্ধি সম্বন্ধে যে সমস্ত amendment motion হয়েছিল তার বিরোধিতা করাতে জানা গিয়াছে। এ সম্পর্কে আমাদের যে সকল amendment আছে তাতে অবশ্য আমরা স্বীকার করি যে nomination একেবারে উঠে যাক একথা বলবার অধিকার আমাদের নেই। গভর্ণমেণ্ট যদি মনোনয়ন করতেই চান তাহ'লে গভর্ণমেণ্টকে আমরা এ অনুরোধ করতে পারি এবং সমস্ত House কে এ অনুরোধ জানাতে পারি যে তারা যদি nomination করতেই চান তারা scheduled castes এর সেই সমস্ত লোককে nominate করুন যাদের উপর scheduled caste এর লোকের বিশ্বাস আছে, তারা যদি

কলিকাতা সহরের scheduled caste এর স্বার্থ রক্ষা করতে চান তাহলে কলিকাতা সহরের scheduled caste এর rate-payers অথবা Association এর মতামত গ্রহণ করে সেইভাবে nomination করুন। তাহলে nomination এর অপকারিতার হাত থেকে অনেকটা রক্ষা পাওয়া যাবে।

এখানে আমার যে সমস্ত বন্ধুরা সাতটী প্রতিনিধি চেয়েছিলেন তারা যদি তিনটী প্রতিনিধি এইভাবে না ক'রে নির্ব্বাচনে করবার ব্যবস্থা করতে পারেন তাহলে তপশীলভুক্ত জাতির স্বার্থ ও মান রক্ষা হয়। এই House এ যে সমস্ত অনুন্নত সম্প্রদায়ের প্রতিনিধি আছেন তাঁদের recommendation অনুসারে তিনটী প্রতিনিধি পাঠান কিম্বা কলিকাতা সহরের তপশীলভুক্ত যে সমস্ত ভোটার আছেন তাদের মতামত নিয়ে nomination করেন তাহ'লে আমার বিশেষ আপত্তি হবে না। কিম্বা অনুন্নত সম্প্রদায়ের যে সমস্ত সমিতি আছে,—যে সমস্ত সমিতির মতামত বাংলার গভর্ণমেণ্ট কেন সমগ্র ভারতের গভর্ণমেণ্ট এমন কি ব্রিটিশ গভর্ণমেণ্ট পর্য্যন্ত কর্ণপাত করে থাকেন,—তাদের মতামত নিয়ে মেম্বার নিয়োগ করতে পারেন। মোটের উপর গভর্ণমেণ্টের খামখেয়ালী অনুসারে যে সমস্ত লোক nominated হন তাদের উপর আমাদের কোন বিশ্বাস নাই বা থাকিবে না।

এই House এর মুসলমান সভ্যদের প্রতি বিনীত নিবেদন এই যে nomination প্রথা তারা নিজেরা চান না সেই nomination প্রথা আর এক সম্প্রদায়ের উপর জোর করে চাপিয়ে দিলে সেটা ঠিক ভ্রাতৃত্বের পরিচয় দেওয়া হবে না। গভর্ণমেণ্টের কাছে scheduled caste এর যে All-Bengal Scheduled Castes Federation আছে তাদের মতামত নিয়ে ও তাদের সুপারিশ অনুসারে এই মেম্বারদের nomination করুন। কিম্বা এতেও যদি আপত্তি থাকে তাহ'লে আপনারা এও করতে পারেন যে Bengal Legislative Assembly ও Bengal Legislative Council এ যে সমস্ত Scheduled Castes এর সভ্য আছেন তাদের মতামত নিয়ে তারা এক জায়গায় বসে মিটিং করে নির্ব্বাচিত করে দিন কোন তিন জনের উপর তাঁদের আস্থা আছে—সেই তিন জনকে আপনারা nominate করতে পারেন। কিম্বা আপনারা যদি মনে করেন কলিকাতা Corporation এ Scheduled Caste এর স্বার্থ রক্ষা করবার জন্য সেখানে লোক যাবে তাহলে কলিকাতা Corporation এর উপরে আপনারা সেটা ছেড়ে দিন, তারা Alderman elect করে যে ভাবে সেই ভাবে Scheduled Caste এর তিন জন প্রতিনিধির নাম suggestion করতে পারেন সেই suggestion অনুসারে গভর্ণমেণ্ট nominate করতে পারেন। কিম্বা গভর্ণমেণ্ট সেরূপ তিন জন লোককে নিতে পারেন যাদের কলিকাতা Corporation এর Scheduled Caste এর ভোটাররা সুপারিশ করবেন। এতেও যদি আপনাদের অসুবিধা হয় তাহ'লে আপনারা এমন Scheduled Caste এর member দের nominate করতে পারেন যারা কলিকাতার Scheduled Caste এর organisation দ্বারা নির্ব্বাচিত হবেন। কিম্বা আপনারা এমন সব প্রতিনিধিকে nominate করতে পারেন যারা Assembly ও Council এর Scheduled Caste এর non-official member গণ কর্ত্তৃক মনোনীত হবেন। এমন suggestion নূতন নয়। গত Government of India Act এ এটা ছিল। বেরার থেকে গভর্ণমেণ্ট এইভাবে প্রতিনিধি nominate করতেন। তাহ'লে একদিকে যেমন election হবে অন্য দিকে তেমনি nomination হবে। আমি যে সমস্ত suggestion এখানে দিয়েছি তার দ্বারা খাঁটী Scheduled Caste এর মনোনীত ব্যক্তি যাবেন। তার মধ্যে অন্যের কোন হাত থাকবে না। আর আপনারা যদি আরও wider নীতি গ্রহণ করেন তাহ'লে কলিকাতা সহরের সমস্ত হিন্দু মুসলমান, খৃষ্টান rate-payer দের উপর ব্যাপারটা ছেড়ে দিন তারাই লোক suggestion করতে পারবেন।

যাদের সহিত জনসাধারণের স্বার্থের সম্পর্ক নাই যাদের সহিত দরিদ্র জনসাধারণের স্বার্থের মিলনেই, যাদের সহিত সমগ্র দেশের স্বার্থের মিলনেই যারা সমগ্র পরীবদের ধ্বংস করবার জন্য উদ্যত এবং যারা দেশের সর্বপ্রকার উন্নতির পরিপন্থি কার্য্য করতে দ্বিধা বোধ করে না এরূপ মন্ত্রীসভার কোন ব্যক্তির হাতে অনুন্নত সম্প্রদায়ের সভ্য মনোনয়নের ভার দিতে আমার ঘোর আপত্তি। গভর্ণমেণ্ট মনোনীত করলে আমি সমগ্র দেশের কাছে declare করবো তারা অনুন্নত সম্প্রদায়ের মেম্বার নন তারা গভর্ণমেণ্টের মনোনীত মেম্বার। আমি আরও বলবো আমরা সাত জন মেম্বার অনুন্নত সম্প্রদায় থেকে Corporation এর প্রতিনিধিত্ব করবার জন্য চেয়েছিলাম, অন্য সম্প্রদায় তাতে রাজি ছিলেন, কিন্তু গভর্ণমেণ্ট বাধা দেওয়ায় সে উদ্দেশ্য নষ্ট হয়ে গেছে। আমরা চিরকাল দেশের ভিতরে বাহিরে বলে বেড়াব এই গভর্ণমেণ্ট অনুন্নত সম্প্রদায়ের উন্নতির পরিপন্থী। তাদের কাছে ন্যায় ও সুবিচার অনুন্নত সম্প্রদায় পেতে পারে না। তাহারা কপটাচারী, তাদের আমরা সর্বরকমেই condemn করি।

আমি আবার গভর্ণমেণ্টকে স্মরণ করিয়ে দিতে চাই যেভাবে এই nomination এর ব্যবস্থা তারা করতে যাচ্ছেন এতে আমরা অপমান বোধ করি এবং ইহা আমাদের উন্নতির পরিপন্থী মনে করি। এই যে তিন জন লোককে গভর্ণমেণ্ট nominate করবেন তারা অনুন্নত সম্প্রদায়ের [illegible] কাজের অন্তরায়স্বরূপ কর্ম্ম বরাবর করবে। করদাতাদের কেহ তাহাদের কার্য্যের বিচার করতে পারবে না। এতে অনুন্নত সম্প্রদায়ের উন্নতি প্রতিহত হবে এবং অনুন্নত সম্প্রদায় কলিকাতা Corporation এ যে স্থান পেতে পারতো এভাবে ২ রকম ব্যবস্থার জন্য সে স্থান পাওয়ার পক্ষে বর্ত্তমানেও ভবিষ্যতে খুব অসুবিধায় পড়ে যাবে।

আমি সে জন্য গভর্ণমেণ্টকে আমাদের পরামর্শ নিতে অনুরোধ জানাচ্ছি এবং সঙ্গে সঙ্গে গভর্ণমেণ্টের সমর্থনকারী আমার মুসলমান ভাই যারা এখানে আছেন—তাদেরও জানাচ্ছি যে তারা অনেকে বাংলার দরিদ্র অনুন্নত সম্প্রদায়ের ব্যথা জানেন, তাদের মনোবেদনা, তাদের অন্তরের আকাঙ্খা জানেন—তাদের বলি ভাই সকল, যে ব্যবস্থা আপনারা নিজেরা গ্রহণ করতে পারেন না, যে ব্যবস্থা আপনাদের নিজেদের সম্প্রদায়ের উন্নতির সহায়ক বলে নিজেরা মনে করতে পারেন না সেই ব্যবস্থা আপনারা কি করে অনুন্নত সম্প্রদায়ের জন্য করতে পারেন।

Mr. ATUL CHANDRA SEN: Mr. Speaker, Sir, I beg to support the principle of no nomination, or failing that less nomination. In doing so, I have to record an emphatic protest against this denial of democracy by the Government. In the year of our Lord 1939 to think of appointing Municipal Councillors by nomination is an anachronism, and it must therefore go. Sir, may I ask the Government what is it that has induced them to introduce this pernicious system of nomination in a self-governing institution like the Calcutta Corporation? Is it love for the Scheduled Caste people? Far from it. It is not love for anybody or for anything but themselves. It is self-love, pure and simple. Having provided in the pernicious Bill for separate electorate, thus creating artificial but effective barrriers between Hindus and Muhammadans and between Caste Hindus and Scheduled Caste Hindus, they are now taking another step forward. They now intend to create a barrier between Scheduled Caste people and Scheduled Caste people. Let me tell you how. By the distribution of patronage in the shape of

nomination they will create a division between those people who will be in the good books of the Government and those people who are not. Sir, it really is a puzzle to me, and why the Government should think of continuing this pernicious system of nomination, I fail to understand. If the real motive that actuates the Government is the love for the Scheduled Caste people who, according to them, do not know how to elect their own representatives of the Municipal Committee and therefore require the perpetual tutelege of the Government, then to ask the Scheduled Caste people to remain content with that, is nothing but an insult to them. It is better, however, if the Government are frank and tell them plainly, "we are determined to divide the Hindus and Muhammadans, we are determined to divide the Scheduled Caste and Caste Hindus, and also to divide even the Scheduled Castes and Scheduled Castes."

Sir, I would not take any more time of the House, but in conclusion I would ask the Government to take note of one fact. The country has found out the game. The country shall not tolerate it in the name of democracy and good government. We of the Congress party are determined to do away with this state of things and the country to a man sooner or later, rather sooner than later, will find out the game and will follow us, the consequences of which it is not very difficult to anticipate. I ask the Government to take note of this and to act accordingly, and if they find it impossible to drop out nomination altogether, they should at least make an endeavour to make nomination as little obnoxious as possible.

Mr. MONMOHAN DAS: Sir, I rise to speak a few words with regard to the due share of the Scheduled Castes in the Calcutta Corporation. A clear injustice has been done to the Scheduled Castes and to the Hindus in general as a result of this Calcutta Municipal (Amendment) Bill. I made my position quite clear at the time of the third reading of this Bill in this House that the motive of the Government is bad and that the policy adopted by them is a pernicious one detrimental to the Scheduled Castes and to the Hindus in general.

Sir, I do not want to go into the question at length, but I would like to point out that while the Government have allotted 22 seats to the Muhammadans who form only 25 per cent. of the entire population of Calcutta, they have provided 47 seats for the Hindus including four elected seats for the Scheduled Castes, although the Hindus form 72 per cent. of the total population. Is it not an act of clear injustice to the Hindus in general who on the basis of the seats allotted to the Muhammadans, are entitled to 62 seats instead of 47? Even the Scheduled Castes, Sir, on the basis of the weightage given to the Muhammadan community, are entitled to get at least ten seats, but the Govern-

ment have given them only seven seats. And out of these seven seats four have been proposed to be elected and three nominated seats. As to the reason why the system of nomination is proposed to be retained by the amendment before this House tabled by the Hon'ble Nawab Bahadur of Dacca, we do not know, but it is well known to him that the majority of the Scheduled Castes people both here and outside this House vehemently opposed the system of nomination. (Mr. ANUKUL CHANDRA DAS: Question?) No such questionings and interruptions will make out a case for my friends of the Coalition Group, but I assert that it is a fact that three-fourths of the members of the Scheduled Castes have vehemently opposed the system of nomination. In spite of that, Sir, there is no denying the fact that only with a view to satisfy a few favoured henchmen of Government, they are going to perpetuate this pernicious system, so that these men who are anxious to have a seat on the Corporation may have it through the back door of nomination. To say that the system of nomination is being retained with a view to safeguard the interests of the Scheduled Castes who may not secure an adequate representation on the Calcutta Corporation through election is a misnomer. To make my position clear I may refer to the state of affairs in almost all the local bodies in the province, —the union boards, district boards and municipalities,—where the seats on the boards are captured by the Muhammadans and Caste Hindus, and the Scheduled Castes are almost unrepresented. Had the Government a real desire to safeguard the interests of the Scheduled Castes, they would certainly not have allowed to continue that state of affairs there. The British Government, Sir, when introducing the Reforms, have abolished this pernicious system of nomination in the Provincial Legislative Assemblies, and by virtue of the Government of India Act, 1935, thirty members of the Scheduled Castes have found their place in this House, and we, Sir, both in this House and outside, will fight with the last drop of our blood to compel this reactionary Government to do away with this pernicious system. This Government, Sir, has retained this pernicious system of nomination in the Calcutta Corporation solely with a view to reduce the legitimate Hindu majority in the Calcutta Corporation to a statutory minority, and to have a ruling hand over that body with the help of a foreign element, the Britishers. The fact is that in case all these seven Scheduled Caste seats are made elected seats, Government apprehend that the elected members of the Scheduled Castes will join with the Congress and frustrate the real motive behind this pernicious piece of legislation. Lastly, Sir, may I strike a note of warning to my Scheduled Castes friends in the coalition group and also to my friends over there—I mean the Hon'ble Mr. Mullick and the Hon'ble Mr. P. D. Raikut—who are so anxious to retain the system of nomination, that the time is not far distant when, to their utter amazement, they will find one fine morning that the power that they now wield is gone and that they have lost the confidence of the community to which they belong.

Mr. SIBNATH BANERJEE: Sir, I expressed myself very strongly against the system of nomination on a previous occasion when this Bill was before this House. But to-day what I want to say is not so much about the system of nomination, but how Labour is feeling about the Municipal Bill. This Government—not to speak of other things—by the promulgation of the Jute Ordinance which by the way Government did not dare place before the House and which we did not get an opportunity of criticising has shown that the present Ministry is going against the interests of Labour. And in this Bill they have gone further. They have seen the strength of Labour because Labour has repeatedly shown its militancy, and therefore to break that militancy a new weapon is being forged, and that is communalism. Communalism is being introduced in this Municipal Bill. That is not a stray instance. Throughout Bengal we are finding communalism being spread and to give it a fillip that system—I mean the communal system—is being introduced in the Calcutta Corporation also.

Sir, here I would only like to record my voice of protest. It has often been said—it was for instance said on the last occasion—that so long Labour did not get any seats and we are now giving Labour two seats and one nominated seat possibly. Still Labour is so ungrateful that they are never satisfied and they are raising their voice against it. I want to make it clear on account of the way in which these two seats are being given and the third seat is proposed to be given that we feel that those who are not connected with Labour, those who are acting under the dictates of capitalists will get those seats through nomination. The rules about election have been so manipulated that genuine trade unions are finding no scope, and members of such trade unions find no opportunity of even standing as candidates for election. The Calcutta Corporation has about 20,000 workers and so if they demand a special seat, that demand is quite justifiable. As so many seats—90 or 95—are being given to the different interests, why not give one seat to represent the 20,000 employees of the Calcutta Corporation who are really responsible for running the whole administration? But that has not been conceded. I may again raise my voice of protest and say that if these 20,000 employees take it into their heads they can put the Corporation—not only the Calcutta Corporation but the whole Government—in a very difficult position. For instance, let us visualize that the lighters of the Corporation do not work. What will happen? The city of Calcutta will be as dark as Hades! And real lions and tigers of the Sunderbans—and not the sham lions and tigers who proclaim themselves as such—will be seen in the streets of Calcutta as they were seen 180 years back when Sutanati was bought by Job Charnock and first settlement was made here. Now, one may think that it does not matter. We need not go out at night. Let us suppose, Sir, the electric workers of the Corporation stop their work. What will happen? Or suppose that the water-workers stop supplying water. It

will then be very uncomfortable for the Hon'ble Ministers and for those who are piloting this Bill. Now, let us take the last instance. Suppose the sweepers of the Calcutta Corporation stop work. What will happen? You can easily visualize, Sir, that if the people who at present roam about in the cloaks of lions and tigers have to do the work which the sweepers do, then not only they but everybody in Calcutta will be put to difficulty. I do not know whether the Hon'ble Ministers would like to have a foretaste of the job which the sweepers have to do if the latter take it into their heads that as the Ministry is not redressing their grievances they are not going to work any more. These are the possibilities, Sir. I do not mean to say that these will inevitably happen, but I say that these are the possibilities which may very well come to pass. Therefore, Sir, I would ask the Hon'ble Ministers and those who are supporting them to consider this aspect of the question though what I say may appear to be somewhat fantastic this evening On behalf of Labour, therefore, I would ask Government to drop the Bill.

Mr. NISHITHA NATH KUNDU: Mr. Speaker, Sir,——

Mr. SPEAKER: Sj. Narendra Nath Das Gupta will speak first.

SJ. NARENDRA NATH DAS GUPTA: সভাপতি মহাশয়, আজকে এই Assembly তে আমি যে প্রস্তাব এনেছি সে সম্বন্ধে, পূর্ব্বে শ্রীযুত রসিক বিশ্বাস মহাশয় আলোচনা কোরেছেন। বাস্তবিক এই সংশোধনী প্রস্তাবে আমরা scheduled castes member দের nomination এর জায়গায় election চাইছিনে; শুধু গভর্ণমেণ্টের ইচ্ছা মতনই nomination টা না হয়—আমরা এই মাত্র চেয়েছি। আমার এই প্রস্তাবে পরিষ্কার বলা হোয়েছে যে—কলিকাতা মিউনিসিপালিটির rate-payers দের মধ্যে যে সমস্ত scheduled castes এর লোক আছেন, তাঁদের মত অনুসারে এই nomination হবে।

আজ যে আকারে ঊর্দ্ধতণ পরিষদ থেকে আমাদের নিকট এই বিলটি এসেছে, বর্ত্তমান মন্ত্রীসভা সে আকারেও এটাকে পছন্দ কোরছেন না। এবিলে কলিকাতা নাগরিকদের মধ্যে সংখ্যাগরিষ্ঠ হিন্দু সমাজের উপর যে অত্যাচার করা হয়েছে, সেই অত্যাচারের প্রায়শ্চিত্ত রোষের দ্বারা প্রণোদিত হ'য়ে আমাদের ঊর্দ্ধতণ পরিষদের কোন কোন সভ্য যে সংশোধন এনেছিলেন, বর্ত্তমান মন্ত্রীসভার প্রতিক্রিয়াশীল দলের চক্রান্তে তার একাংশ মাত্র আমাদের সাম্নে এসেছে এবং তাকেও ধ্বংশ করার বুদ্ধি আমাদের মন্ত্রীমণ্ডলীর মধ্যে স্পষ্ট ভাবেই দেখা দিয়েছে তাদের নূতন সংশোধনী প্রস্তাবে। স্যামুয়েল হোর, যখন ভারত শাসন আইনের প্রস্তাবণার পর সাম্প্রদায়িক সিদ্ধান্ত ঘোষণা করেন, তখন তিনি খুব উল্লাসের সঙ্গে প্রকাশ কোরেছিলেন যে "বাংলার হিন্দুগণের স্বাধীনতা স্পৃহার শাস্তি দেবার জন্যই এই সাম্প্রদায়িক শাসন ব্যবস্থা আমরা প্রবর্ত্তন কোরছি—যাতে বাংলার হিন্দুগণকে চিরদিনই রাষ্ট্রক্ষেত্রে পঙ্গু হোয়ে থাকতে হবে।" তখন স্যামুয়েল হয়তো স্বপ্নেও ভাবতে, বা কল্পনা কোরতে পারেন নাই যে তিনি নিজে যতটা ইচ্ছা কোরেছিলেন তার অনুচরগণ তার চেয়েও বেশী অগ্রসর হবে। আজ তাই আমরা দেখতে পাচ্ছি যে এই বিলের পিছনে আছে কেবল সাম্প্রদায়িক দুরভিসন্ধি। সে দিন আমাদের উচ্চতর পরিষদের জনৈক সভ্য পুনঃ পুনঃ বোলেছেন—বর্ত্তমান ভারত শাসন আইনে আমরা পেয়েছি—বাংলাদেশে পেয়েছি—মুসলমান রাজের প্রতিষ্ঠা। কিন্তু

আমি জিজ্ঞাসা করি—এই মিউনিসিপাল বিলে কোন মুস্লেম রাজের প্রতিষ্ঠা হবে? এখানে দেখা যাচ্ছে, মুসলমান সদস্যের সংখ্যা মাত্র বাইশটী, এবং তোরে নেওয়া যাক আটটী nominated member ও না হয় তাদেরি তাঁবেদার হবে, এই তিপ্পিটী সদস্য নিয়ে কি কোরে কলিকাতায় নাগরিক জীবনে তারা প্রতিষ্ঠা কোরবেন মুস্লেম রাজ—সে তো আমার বুদ্ধিতে আসে না? তাঁরা ভাল রকমেই জানেন যে বাংলাদেশে মুস্লেম রাজ প্রতিষ্ঠার ইচ্ছা তাদের নাই, সাহসও নাই; এবং সে বাসনা করবার মতন কল্পনা শক্তিরও তাদের একান্ত অভাব। তাঁরা এও জানেন যে বাংলায় যে রাজত্বের প্রতিষ্ঠা হোচ্ছে সেটা মুস্লেম রাজত্ব নয়, মির্জাফির রাজত্ব, ইংরেজের সাহচর্য্যে এবং ব্রিটিশ সঙ্গীনের পদপ্রচ্ছায়ায়ে। আর এই মির্জাফর রাজত্বের মোহমন্ত্রে আমাদের জনৈক বন্ধু, কোয়ালিশন দলের সদস্য কচ্ছে পুনঃ পুনঃ ঘোষণা কোরেছেন—"আমরা হিন্দুদের টুটি চেপে তাদের কাছ থেকে সব আদায় কোরবো।" কিন্তু আমি তাঁকে জিজ্ঞাসা করি হিন্দুদের টুটি চেপে আদায় করার আগে, এই সমগ্র ভারতবর্ষে, বিশেষতঃ এই বাংলাদেশে যাদের অল্পজীবনে সমস্ত কিছু পরিচালিত হোচ্ছে,—এই মুনিসিপাল বিল কিংবা Money-lenders' Bill টা পর্য্যন্ত, তাদের টুটি না চেপে—হিন্দুদের টুটি চেপে কি আদায় কোরতে পারবেন? আপনারাও যেমন গোলাম, হিন্দুরাও তেম্নি গোলাম, হিন্দুরাও সর্ব্বহারা, আপনারাও সর্ব্বহারা। কাজেই টুটি চেপে তাদের কাছ থেকে কি আপনারা আদায় কোরতে পারবেন? আদায় করতে পারবেন,—কয়েকটী চাকুরী আর কয়েকটি মিউনিসিপালিটির সিট। কিন্তু আমি জিজ্ঞাসা করি,—এই প্রকার টুটি চেপে ধরার মনোবৃত্তি যদি রাষ্ট্রক্ষেত্রে এবং নাগরিকক্ষেত্রে প্রবল হোয়ে ওঠে তাহলে এই দুর্ভাগা দেশের রাষ্ট্রীয় জীবন এবং নাগরিক জীবন যে কি প্রকার নারকীয় ভাবে দুর্গন্ধযুক্ত হোয়ে পোড়বে সেই কথাটা আমার বন্ধুদের একটু ভেবে দেখতে বলি। কোন কোন কোয়ালিশনী বন্ধু বোলেছেন "আমাদের উদ্দেশ্য হোচ্ছে নানা প্রকারের আইন কোরে বাংলার হিন্দুদের সমস্ত শক্তিকেন্দ্র থেকে বিচ্ছিন্ন কোরে অবশেষে অসহায় অবস্থায় গ্রামে গ্রামে নানা প্রকার উৎপাৎ ও উৎপীড়ণ করে, তাদের এমন চরম দুরবস্থার সৃষ্টি কর্ব্ব যাতে তারা হয় মুসলমান হবে, না হয় বাংলা ছেড়ে যেতে বাধ্য হবে।" কিন্তু আমি তাঁদের বোলে দিচ্ছি—যে হিন্দুগণ বৃটিশ সিংহের সঙ্গে লড়াই কোরতে ভয় পায় নাই, সে হিন্দুগণ শৃগালের চিৎকারে ভীত হোয়ে স্বাধীনতা যুদ্ধে পালাবে না। আমি বোলে দিচ্ছি আমার বন্ধুগণকে যে প্রচেষ্টা একদিন প্রবল পরাক্রান্ত মোগল সম্রাট আওরংজেব কর্ত্তৃক আরব্ধ হয়ে ব্যর্থতায় পর্য্যবেশিত হয়েছিলো, যে প্রচেষ্টা, পাঠান রাজত্বের সময় আলাউদ্দিন খিলিজি কর্ত্তৃক ব্যর্থতায় পর্য্যবেশিত হয়েছিলো, এই হিন্দুদের দমন কোরে পর্য্যুদস্ত করে এই ভারতবর্ষে রাজত্ব চালাবে আজ ইংরেজের তাঁবেদার—মির্জাফরের সগোত্রগণ যেন স্বপ্নেও মনে করেন না যে সেই প্রচেষ্টায় আজ তারা সফল হবেন,—হিন্দুদের ধ্বংশ কোরে বাংলায় তাঁরা মুস্লিম রাজত্বের প্রতিষ্ঠা কোরে ফেলবেন! (A MEMBER FROM THE COALITION PARTY: হিন্দুদের আছে কি যে ধ্বংশ কোরবো?) বন্ধু বোলছেন—"হিন্দুদের আছে কি যে ধ্বংশ কোরবে!" আপনাদেরই বা কি আছে? আপনাদের অবস্থাও তো আজ—"ঢাল নাই, তরোয়াল নাই, নিধিরাম সর্দ্দার।" আপনারাও ঢাল তরোয়াল বিহীন হোয়ে আস্ফালন কোরছেন, আর নিজেদের সাম্রাজ্য গঠনের অলীক কল্পনা কোরছেন। কিন্তু আমি আবারও জিজ্ঞাসা কোরছি—এই ভারতবর্ষে, যেখানে মোগল সাম্রাজ্য টিকিতে পারে নাই (A MEMBER FROM THE COALITION PARTY: কে বলে পারে নাই?) হিন্দুর বন্ধুত্ব বিনা, যেখানে পাঠান রাজত্ব স্থাপিত হতে পারে নাই হিন্দুর সাহায্য ছাড়া সেই হিন্দুস্থানে হিন্দুর বন্ধুত্ব ছাড়া, বা হিন্দুর বন্ধুত্ব হারা হোয়ে কোন গভর্ণমেণ্টই টিকতে পারবে না। এমন কি হিন্দুর বন্ধুত্ব হারা হোয়ে ইংরেজ গভর্ণমেণ্টও এই ভারতবর্ষে এবং বাংলাদেশে টিকতে পার্ব্বে না। এ অবস্থায় ইংরেজের তাঁবেদারদের গভর্ণমেণ্ট টিকবে, এ কল্পনা উন্মাদের স্বপ্ন বিলাস ছাড়া আর কিছুই নয়।

আমি তাই আজ আমাদের বন্ধুগণকে সাবধান কোরে দিচ্ছি,—বিশেষ কোরে আমাদের প্রধান মন্ত্রীমহাশয়কে বোলছি যে—তিনি যত বড়——

Mr. SPEAKER: Please don't stray into the zoological gardens.

Sj. NARENDRA NATH DAS GUPTA: আমাদের সভাপতি মহাশয় জুলজিকাল গার্ডেনকে এখানে টেনে আনতে মানা কোরেছেন। কিন্তু যদি সেখানকার কোন কোন জীব এখানে বিচরণ করে তাহলে আমরাই বা কেমন করে নিরাপদ বোধ কর্ত্তে পারি? (A MEMBER FROM THE COALITION PARTY: আপনার সামনেই আছে ২০।২৫টী ঐ তো দেখা যায়) (Interruptions.) আজ আমি আমাদের বন্ধুগণকে বোলছি এখনো সময় আছে, আপনাদের ভুল সংশোধন করার, এবং নিজেরা যে পাপ কোরেছেন তারপ্রায়শ্চিত্ত করার। উদ্ধৃতন পরিষদ থেকে Scheduled Castes দের সম্বন্ধে যে রকম সংশোধন হোয়ে বিলটী এসেছে সেটা বোদলে এখানে nomination এর পথ দিয়ে তিনটী সিট Scheduled Castes দের জন্য রেখে তাদের অপমান করার যে চেষ্টা চোলছে,—আমি হিন্দুত্বের গৌরব নিয়ে এবং হিন্দু হিসাবে তাদের সঙ্গে এক হয়ে তার তীব্র প্রতিবাদ কোরছি। তাদের জন্য প্রকাশ্য নির্ব্বাচনের সদর দরজার সম্মুখের পথ রুদ্ধ কোরে পিছন দিককার খিড়কির দুয়ার দিয়ে তাদের টেনে এনে অপমান করার কোন অধিকার এ গভর্ণমেণ্টের নাই। এমন কি গভর্ণমেণ্টের আজ্ঞাবাহী Scheduled Castes member দেরও নাই। তাই বোলছি যদি পরিবর্ত্তন করার বর্ত্তমানে আর কিছু সম্ভাবনা না থাকে তাহলে অন্ততঃ ঐ কটি সিট সাধারণ নির্ব্বাচনে Scheduled Castes দের দেওয়া হোক, এবং তাদের দেওয়া হোলেই হিন্দুদেরই দেওয়া হবে। আর সেটা যদি সম্ভব নাই বা হয়, তাহলে গভর্ণমেণ্ট থেকে যে সব মনোনয়ন করা হবে সেটা যারা Scheduled Castes rate-payer তাঁদের মতামত নিয়ে, সেই মতের অনুবর্ত্তী হোয়ে যদি কাজ করা হয়—তাহলেও এই মস্ত বড় পাপের কথঞ্চিৎ প্রায়শ্চিত্ত হবে।

(Here the member having reached his time-limit resumed his seat.)

Mr. SPEAKER: On Monday, there will be election for the Board of Industries, and I have appointed the Secretary to be the Returning Officer. The election will be held at 4 o'clock and the rules will be circulated to you.

There is just one other matter. The House will remember that at the time I was permitted to nominate the Committee of Privilege, the Committee of Privilege consisted of 17 persons, and I nominated the leaders of the three important parties and also the leaders of the other groups. But unfortunately the leader and another representative of the European Party have resigned. So, I take it that it is the pleasure of the House that I should nominate two representatives of the European Party—the leader and another person in consultation with the party. I take it that there is no objection. So I nominate Mr. Walker and Mr. Curtis Millar to represent the European Party.

Adjournment.

The House was then adjourned till 4-45 p.m. on **Monday, the 10th July, 1939,** in the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 10th July, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 14 Hon'ble Ministers and 216 members.

STARRED QUESTION

(to which oral answer was given)

Distress in Tangail subdivision due to failure of crops.

*547. **Mr. MIRZA ABDUL HAFIZ:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that distress on a widespread scale began from the last few months in the subdivision of Tangail, owing to the loss of *aus* and jute crops completely in some quarters and partly in other quarters?

(*ii*) that the local M.L.A. approached the Hon'ble Revenue Minister and other Hon'ble Ministers too on different occasions, for granting agricultural loan, gratuitous relief and test relief for the flood-affected distressed people of the subdivision; and

(*iii*) that the Hon'ble Premier, Sir Nazimuddin, Mr. H. S. Suhrawardy and Mr. Tamizuddin Khan who went to Tangail were convinced of the grave situation?

(*b*) Will the Hon'ble Minister be pleased to state the total amount of money or in kind distributed for the distressed people of the subdivision towards—

(*i*) the agricultural loan;

(*ii*) test relief; and

(*iii*) gratuitous relief?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the distressed people will require help until the harvest time comes by *Sravan* next; and

(*ii*) that the grants made by the Government have been inadequate and insufficient?

(*d*) Are the Government considering the desirability of increasing the grants for giving advance and further help to the people if required during this time?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) Agricultural loan—Rs. 1,25,000.

Test relief—Rs. 12,950.

Gratuitous relief—Rs. 5,000.

A sum of Rs. 124 was also distributed as gratuitous relief out of Central Flood Relief Committee Fund.

(*c*) (*i*) Yes.

(*ii*) No. The distress is being adequately met.

(*d*) A further sum of Rs. 1 lakh was placed at the Collector's disposal on the 3rd July, for agricultural loans and more will be given if necessary.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if Government have any hand in collecting donations for the Central Flood Relief Committee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Government have no hand in the matter.

Mr. NISHITHA NATH KUNDU: Will it be possible for the Hon'ble Minister to say the number of persons among whom the amounts mentioned in reply (*b*), viz., agricultural loan—Rs. 1,25,000 and gratuitous relief—Rs. 5,000, was distributed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not possible for me to give the answer off-hand.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় কি অবগত আছেন যে আবার সেই বন্যার জল এসে পড়ে অনেক জায়গায় শস্য নষ্ট কোরেছে, এবং এ কথা সত্য হোলে গভর্ণমেণ্ট সাহায্যের জন্য আর কোন ব্যবস্থা কোরতে প্রস্তুত আছেন কি না?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are not aware that there is flood in Tangail already.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয়কে আমি definitely বোলছি—কুলিয়াচি থানা এবং বাশাইল থানায় এ বৎসর আউশ ধান নষ্ট হোয়েছে,—গভর্ণমেণ্ট এ বিষয়ে কোন অনুসন্ধান কোরবেন কি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes; Government are prepared to enquire. I hope the information is not correct.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state the maximum amount of the agricultural loan that was granted to each individual?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Realisation of donations from persons instituting cases in Debt Settlement Boards in Gopalpur, Mymensingh.

265. Maulvi RAJIBUDDIN TARAFDAR: (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that the Circle Officer, Gopalpur, in the district of Mymensingh, is realising donations for a hospital (or dispensary) for every case instituted in Debt Settlement Boards situated within his jurisdiction;

(*ii*) that there exists a feeling of resentment amongst the public who file cases before such boards; and

(*iii*) that a member of this Assembly has written to the District Magistrate complaining against this realisation?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of issuing instruction to stop this kind of realisation?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*)(*i*) No.

(*ii*) Does not arise.

(*iii*) Yes.

(*b*) Does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the nature of complaint that was made to the District Magistrate by a member of the Assembly?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The nature of complaint is indicated in item (*a*)(*I*) of the question itself.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the action taken by the District Magistrate on receipt of the complaint by a member of the Assembly?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The complaint was enquired into by the Subdivisional Officer and the allegation was found to be false.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if the member concerned was informed that the complaint was unfounded and if he was asked to substantiate it?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of this; I ask for notice.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if any dispensary was ever established for which voluntary donation was collected by the Circle Officer or any other officers?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It may have been so; I am not aware of it.

Distribution of agricultural loan and gratuitous relief in flood-affected areas.

266. Maulvi RAJIBUDDIN TARAFDAR: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that Sariakandi, Gabtoli, Dhunat and some portion of Sadar and Sherpur thanas have been affected by the last flood; and

(*ii*) that 90 per cent. of the crops have been destroyed?

(*b*) Will the Hon'ble Minister be pleased to state what amount has been distributed as—

(1) agricultural loan, and

(2) gratuitous relief,

in those thanas by the Government from the 1st January, 1939 to 30th March, 1939?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the distress of the people of those thanas has been acute at present;

(*ii*) that during April, 1939, no loan or gratuitous relief has been given there; and

(*iii*) that a few cases of death from starvation within the jurisdiction of those thanas have occurred during the period?

(*d*) Is the Hon'ble Minister aware of any loan that has been granted from the Co-operative Societies in those thanas during last April and May?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the amount given by the society; and

(*ii*) to whom has the loan been given?

(*f*) Are the Government considering the desirability of granting further agricultural loan or gratuitous relief to the distressed people of those thanas?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Yes.

(*ii*) *Aus* paddy crop to the extent of 12 annas and jute crop to the extent of 8 annas were estimated to have been damaged. The *aman* paddy crop was damaged to the extent of 1 anna.

(*b*) Nil.

The people harvested their *aman* paddy and *rabi* crops during that period. Test-relief work could not be carried on in January and February, 1939, for want of labourers who were getting higher rates of wages on agricultural operations. In March, 1939, test-relief works were carried on in the affected area. Rs. 450 was also advanced to the Presidents of Union Boards out of the District Agricultural Association Fund for distribution among the needy cultivators for purchase of seeds.

(*c*) (*i*) Owing to continued drought there was distress in the flood-affected areas in the latter part of April and May last. But there have been good showers since and there is no distress at present. The cultivators and the labourers are now fully engaged on agricultural operations. Early sown jute and *aus* paddy as well as *kaun* are also being harvested and the outturn is fairly good.

(*ii*) No. About Rs. 2,200 was spent through Circle Officers and Presidents of Union Boards out of the District Relief Fund in April, May and June, 1939, on gratuitous relief, seed loan and test-relief work.

(*iii*) No. Three cases of alleged death due to starvation were reported, but on enquiry it transpired that the deaths were due to illness.

(*d*) Yes.

(*e*) (*i*) Rs. 29,062.

(*ii*) The loans were given to those who are agriculturists and members of Co-operative Societies.

(*f*) If there is no damage to the standing crop through any natural calamity, the cultivators will get a good harvest and there will be no such necessity. A bumper crop is expected this time.

Khan Bahadur MOHAMMED ALI: Is the Hon'ble Minister aware that the Assam flood water is now overflowing the rivers of the Bogra district and that a part of the crop is submerged already?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information on that point as yet.

Privilege Motion.

Dr. NALINAKSHA SANYAL: I have handed over to you one special motion on the question of privilege. May we discuss it now?

Mr. SPEAKER: As far as the privilege motion is concerned, I have considered this matter. As I do not allow the adjournment motion, I think that I should surely give an opportunity to the House to express its views on that issue and such other matters connected with that. I have just admitted that motion. I am not fixing a time in view of the fact that the Privilege Bill is coming for discussion within a day or two.

Rai HARENDRA NATH CHAUDHURI: Does that relate to the motion of which I have given notice?

Dr. NALINAKSHA SANYAL: This does not relate to the Privilege Bill. As a matter of fact due to the continued offence some members are actually being debarred from taking part in the discussion. So in the interest of the House the earlier it is discussed the better.

Adjournment Motion.

Rai HARENDRA NATH CHAUDHURI: May I draw your attention to the fact that I gave notice of an adjournment motion regarding the hunger-strike by political prisoners. May I know the reasons why it has not been allowed?

Mr. SPEAKER: I may announce that so far as the hunger-strike is concerned, if the Municipal Bill is finished to-day, as I hope it will be, it will be taken up to-morrow. In what form the matter is to be discussed is a matter for the Opposition and the Hon'ble Sir Nazimuddin to decide. There are two forms open. Either it should be in the form of a motion, namely, that the House do consider the statement made by the Hon'ble Khwaja Sir Nazimuddin on the hunger-strike or some such motion to that effect, or a motion to the effect that this House approve the policy of Government on the hunger-strike.

Rai HARENDRA NATH CHAUDHURI: But why should we not be allowed to move an adjournment motion on the hunger-strike when the rules permit?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think notice has been given of a motion which might be treated as a special motion saying that this House approves——

Mr. SPEAKER: I will read the motion: "This House do approve the policy of the Government of Bengal in the matter of the release of terrorist convicts." This will bring in every issue concerning this matter including the hunger-strike.

Mr. JOGESH CHANDRA GUPTA: That cannot come in connection with the approving of the policy of Government.

Rai HARENDRA NATH CHAUDHURI: That is at best an affirmative motion. Why should we not be given an opportunity to move a negative motion principally on hunger-strike and criticising the Government policy?

The Hon'ble Khwaja Sir NAZIMUDDIN: The reason given for starting hunger-strike is the unconditional release of the political prisoners and the Government's policy is there. If the Legislature approves, then the whole matter ends.

Mr. SPEAKER: What I find is that this hunger-strike is a protest against a certain policy of Government and therefore within that policy you would be able not only to discuss this policy but all its consequences including the hunger-strike.

Mr. SASANKA SEKHAR SANYAL: That would be more comprehensive.

Dr. NALINAKSHA SANYAL: Hunger-strike is more important and urgent.

Mr. SPEAKER: Hunger-strike by itself is not a policy.

Mr. SANTOSH KUMAR BASU: May I point out this, that so far as the policy of Government is concerned, the Coalition Party members may be very vitally concerned about that. So far as the Opposition is concerned, they are more concerned about the lives of those 86 persons who have gone on hunger-strike. It may meet the convenience or the requirements of the Coalition Party to have a motion with regard to Government policy debated and decided upon on the floor of the House; but the Opposition have tabled their motion with a different purpose in order to call attention of the Government to this very urgent and very important matter, namely, the hunger-strike. I submit that one cannot replace the other. It is quite a different matter and should be treated differently and as this motion of Rai Harendra Nath Chaudhuri has priority in point of time, I would request you to fix a time for its discussion earlier than the other motion tabled by the Coalition member, if occasion for that remains after the discussion of the motion which has been given notice of by Rai Harendra Nath Chaudhuri.

Mr. SPEAKER: Rai Harendra Nath Chaudhuri's motion says "Hunger-strike occasioned by the failure of the Government to expedite and effect the release of prisoners."

Rai HARENDRA NATH CHAUDHURI: May be, but I refer to the incident first.

Mr. SPEAKER: You are really discussing the policy behind the hunger-strike.

Rai HARENDRA NATH CHAUDHURI: That is in my opinion the cause of the hunger-strike, but Government may say that there is a different cause.

Mr. SPEAKER: An adjournment motion is not admissible on the ground of multiplicity of issues. Is not hunger-strike one issue and the release of political prisoners another? You can discuss only one matter.

Rai HARENDRA NATH CHAUDHURI: Yes, the hunger-strike of the convicted political prisoners in jails is the main issue.

Mr. SPEAKER: If you discuss the hunger-strike you won't be able to discuss the policy of the Government.

Rai HARENDRA NATH CHAUDHURI: Why not, if it be the cause?

Mr. SPEAKER: No, therefore I think the other motion is more comprehensive.

Mr. JOGESH CHANDRA GUPTA: May I point out one matter for consideration? Government is following a particular policy; the supporters of Government stand by that policy. How is it necessary or is it permissible that they should be allowed to stop—I was going to use the word "stifle"—an adjournment motion which the Opposition, who do not see eye to eye with the Government, have tabled? If that were permissible, then Government with a majority can always table a motion against any adjournment motion which may be brought forward into this House by the Opposition. The Coalition Party has tabled this motion. They are the supporters of Government and their mouth-pieces have spoken. What is the necessity and what use is there to this House to discuss a matter like that. If they do not support the Government, they would have given up that policy. On behalf of the Opposition we have tabled a motion to consider this definite matter of urgent public importance which involves risk to the lives of 86 persons. I request you to consider whether a motion of confidence which to me seems to be unnecessary if not irrelevant, ought to be allowed to stifle an adjournment motion which we have a right to bring up particularly over the question of life and death of 86 persons.

Mr. ABDUR RAHIM SIDDIQI: The Coalition Party has been charged that it desires to stifle a motion for adjournment the Opposition wishes to propose. As a humble member of the party I think that this is a reflection which we do not deserve. Whether an adjournment motion is stifled or not is a matter for the Chair to decide as it is absolutely within the powers of the Chair. If the motion fits in and coincides with the rules of business of the Assembly, the Speaker will allow it, but to charge us with a thing in which we have no hand whatsoever is something which we do not deserve.

Mr. SPEAKER: In ordinary circumstances I would have been certainly prepared to consider the desirability of admitting an adjournment motion of this character, but the House will kindly remember that after the Hon'ble Sir Nazimuddin made a statement there was a desire expressed by the Leader of the Opposition that a day should be fixed for its discussion.

The Hon'ble Khwaja Sir NAZIMUDDIN: Would you allow me to say one thing, Sir? The point is this—from the point of view of the rights and privileges of the members of this House, whether they belong to the Opposition or to the Coalition, there is no difference. A discussion by means of a resolution is a greater privilege and gives more opportunity to the members to go into the subject than a discussion by means of an adjournment motion. An adjournment motion has got

certain disadvantages. It is restricted to two hours; no member can speak for more than 15 minutes and the rule as regards the time-limit cannot be relaxed: whereas as regards this motion it is an acknowledged and accepted parliamentary practice which gives more time to members to speak. More members can speak on the subject, and on an important question like this discussion should not be limited to two hours. There are innumerable members who want to speak on this subject, and if it is discussed by an adjournment motion then the discussion will be confined to a few members, whereas in the case of a special motion which has been suggested and which will mean the allocation of practically a whole day more members will get an opportunity to speak. For example, the Leader of the Opposition with your permission can speak perhaps for 30 minutes on that subject, whereas if it is an adjournment motion he will be confined to 15 minutes. Similarly, the Minister replying on behalf of Government will have the privilege of speaking for 30 minutes. It is not possible to do justice to a question like this in 15 minutes. So looking at it from all points of view it is to the interests of members, if there is a genuine desire to discuss this question and to thrash it out properly, that the subject should be discussed by means of a special resolution in the accepted parliamentary manner rather than by means of an adjournment motion.

Mr. SARAT CHANDRA BOSE: Sir, I believe I am right in thinking that the notice which was given by Rai Harendra Nath Chaudhuri was the first in point of time. If that is so—and you will contradict me, Sir, if I am wrong—I submit that the Opposition has a right to press a motion of which it has given prior notice. And as it is a question of the privilege of the Opposition as against the privilege of the Coalition Party, I submit in a matter like this, the privilege of the Opposition must prevail. On Friday last we gave a very clear indication that we wanted to discuss the matter at an early date. It was not necessary for us to indicate on that occasion as to how we proposed to discuss this matter, but we gave a very clear indication on Friday last that we wanted to discuss it at an early date. We suggested that the matter might be taken up on Saturday. That was not agreed to by the Government. Failing that, I suggested that the matter might be discussed on Monday. Even that was not agreed to. As to how it is to be brought up for discussion is a matter in which the Opposition has a say. The notice on behalf of the Opposition was the first notice submitted to you in point of time.

As to the inconvenience in the matter of length of speeches, the Opposition did bear that in mind when they decided to put forward the adjournment motion. If it is an inconvenience which affects the members of the House, it affects members of the Opposition as well as members of the Government. So, I submit that there is nothing in that.

Sir, the Opposition desires to discuss a definite matter of urgent public importance, and it cannot be denied that it is a definite matter of urgent public importance. I submit, Sir, that you should admit the motion of which notice was first given.

There is one other matter, Mr. Speaker, to which I would like to draw your attention. There have been further developments since Friday last. On Friday last we were informed by the Hon'ble Home Minister that there was a hunger-strike in the Dum Dum Jail. That was followed on Saturday by a hunger-strike in the Alipore Central Jail and that was the reason why Rai Harendra Nath Chaudhuri on behalf of the Opposition sent you a notice of the motion on the 8th instant so that we might have an opportunity of discussing the matter by way of an adjournment motion this afternoon.

Mr. SPEAKER: There is just one matter. If you kindly refer to section 105 (*iv*) of the Rules and Standing Orders you will find that it says that a motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given. So, it is not only necessary that a notice of a motion should be given so as to come under this clause, but also it must not anticipate a matter which has previously been appointed for consideration. The matter of hunger-strike has been appointed for consideration to-morrow.

I take it that the statement on hunger-strike made by the Hon'ble Sir Nazimuddin has been appointed for consideration to-morrow.

Mr. SARAT CHANDRA BOSE: If you look up the minutes of the proceedings of this House, you will find, Sir, no matter was previously appointed for consideration.

Mr. SPEAKER: The statement of Sir Nazimuddin——

Mr. SARAT CHANDRA BOSE: Sir Nazimuddin said that Government would be prepared to discuss the matter not on Saturday, not on Monday, but possibly on Tuesday.

Mr. SPEAKER: In any case, I think there are two matters before us—the adjournment motion which has been given notice of and the motion which has been given notice of by Mr. Afzal. I should like to look into the matters and give my decision after the prayer interval. I think it is desirable that the matter should be discussed as early as possible.

Mr. SARAT CHANDRA BOSE: Sir, may I draw your attention to the words in section 105(*iv*) of the Bengal Legislative Assembly Rules and Standing Orders, viz., "the motion must not anticipate a

matter which has been previously appointed for consideration." No matter was defined on Friday last as the matter which had been appointed for consideration. In fact, Government did not mention at all what was the matter for which they would give a time this week.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I think if the proceedings are looked into, it will be seen that Government were prepared to allot a date for discussion of the statement made. This is a definite matter, and no adjournment motion can be moved on that.

Mr. SPEAKER: Sir Nazimuddin, will you kindly send me a copy?

Rai HARENDRA NATH CHAUDHURI: Then, Sir, the Hon'ble the Home Minister admits that the only matter of which he gave notice was the statement of the Government and not the hunger-strike.

Mr. SPEAKER: We will now resume discussion on the Calcutta Municipal (Amendment) Bill.

Answers to Questions regarding the Pabna Communal Trouble.

Babu NARENDRA NARAYAN CHAKRABARTY: সভাপতি মহাশয়, গত ৭ তারিখে Sir, Nazimuddin আপনার সম্মুখেই নির্দ্দিষ্ট কোরে এই প্রতিশ্রুতি প্রদান কোরেছিলেন যে ১০ তারিখে পাবনা সম্পর্কে statement তিনি এই সভায় উপস্থিত কোরবেন। আপনার সম্মতিক্রমে আমি তাঁকে জিজ্ঞাসা কোরতে পারি কি—যে তিনি সেই statement প্রস্তুত কোরেছেন কি না এবং আজকের এই সভাতেই সেটা উপস্থিত কোরছেন কি না? কারণ আজকেই সেই ১০ই তারিখ—যে তারিখে তিনি statement টা দেবেন বলে প্রতিশ্রুত আছেন।

Mr. SPEAKER: We will now resume discussion on the Calcutta Municipal (Amendment) Bill.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, is not the honourable member entitled to an answer from the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already sent the statement to the Assembly Department on Saturday and very likely it is there.

Mr. SPEAKER: I have just been told that it is with my department, and I am going to look into it.

GOVERNMENT BILL.

Calcutta Municipal (Amendment) Bill.

Mr. SPEAKER: We will now resume discussion on the Calcutta Municipal (Amendment) Bill.

Mr. NISHITHA NATH KUNDU: Sir, I rise to support the amendments that have been moved for the reduction of the number of nominated seats. From the wordings of the amendments, I have understood that the members failing to give effect to the principle of total abolition of nomination have, by their amendments now, tried to reduce the number of nominated seats. To give our decision on these amendments, the first enquiry that we should make is why nomination is necessary at all. I believe I am fairly correct when I say that nominations are provided for securing a fair and proper representation and also for reasons when the electors are not sufficiently literate to elect proper persons. Now we must consider whether we are living in an age when the conditions of the electors are such that they cannot elect their proper representatives, and also whether in the Bill that we are now considering there are loopholes and defects by which different classes of interests and different communities will not be properly represented in the Calcutta Corporation. If we examine the Bill, Sir, we see that instead of there being an arrangement for joint electorates, there has been introduced separate electorate for Muslims. This has been done, because the Hon'ble the Chief Minister and some of the members of the Coalition Group have told us that through the joint electorate Muslim interests could not be properly represented. Though we cannot see eye to eye with them in the matter, though introduction of separate electorate is certainly a retrograde step, I think when Government are satisfied that by this arrangement Muslim interests will be properly represented in the Calcutta Corporation and when the number of seats allotted to Muhammadans is quite commensurate with their strength of population, it cannot be said now that Muslim interest will not be properly represented. As regards the general constituencies we find that Government have allotted 47 seats to them. We do not agree here that they have been given adequate representation; but as the Government are satisfid with the allotment, so far as these constituencies are concerned, there will be according to them proper representation here also. Out of deep gratitude for their European masters and out of profound loyalty to them, the Government have given them more than adequate representation, namely, ten seats. I believe, this has been very much appreciated by the Europeans. Some of the Scheduled Caste members have said that they have not been given proper representation. We quite agree with them in this, but I do not see any reason in making

up that inadequate representation by means of nomination. The Scheduled Castes ought to have pressed for more seats through election.

Then, Sir, after a scrutiny of the Bill we find that there is no arrangement for the representation of female interests, if such interests exist at all. This could have been met by providing two nominated seats for ladies and filling them by nomination of ladies belonging either to the Hindu or the Muhammadan, or the Anglo-Indian or other communities. We have given representation to European trade and commerce, but we have not allotted seats to the other Chambers of Commerce, viz., the Muslim Chamber of Commerce, the Marwari Chamber of Commerce, etc. If Government so desire, they can provide two seats for them and that would make the number of nominated seats four. Then, why do you require eight nominated seats? It is only, I believe, to have some unjustified control over this self-governing institution and to really defeat the purpose behind the grant of self-government. Sir, we know that to qualify to be nominated—to receive these favours —one has to wear out the leather of his shoes. Perpetuation of nomination means the perpetuation of that slave mentality by culturing which alone one qualifies himself to be fit to receive this favour from Government. So, Sir, it is needless to waste the time of the House. (A voice from the Coalition benches: Yes, it is quite true.) Yes it is true. I understand that. Really we are not inspired to speak anything in this Assembly, but as we owe it a duty to our constituencies, we have to speak out our minds. We leave this black Bill to be judged by our posterity both Hindus and Muslims—not slave Hindus and Muslims of the present day but free Hindus and free Mussalmans of the future. I am sure that disgrace is reserved for the creators of this black Bill and not laurels.

With these remarks, Sir, I commend all the amendments that have been moved for the reduction of the number of nominated seats, for due consideration by the House.

Babu NARENDRA NARAYAN CHAKRABARTY: সভাপতি মহাশয়, আলোচ্য Municipal Bill এর ধারা সম্বন্ধে বহু আলোচনা এই পরিষদে হ'য়ে গেছে। কংগ্রেস পক্ষের প্রায় প্রত্যেকটি সদস্য এই মনোনয়ন প্রথা বিশ্লেষণ ক'রে এর ত্রুটি, অসম্পূর্ণতা, দোষ, ভবিষ্যতের ফল এবং প্রতিক্রিয়া সম্বন্ধে পুঙ্খানুপুঙ্খরূপে আলোচনা করেছেন। মন্ত্রী-সভাকে সতর্ক করা হয়েছে, ইতিহাসের উদাহরণ দেখিয়ে অনেক যুক্তিতর্কের অবতারণা করা হয়েছে, ভবিষ্যতে জাতির উপর এর বিষময় ফল সম্বন্ধে সমস্ত বিষয়ে মন্ত্রীসভাকে জানানো হয়েছে। কিন্তু বিরুদ্ধ পক্ষের সমস্ত যুক্তি, সমস্ত নজীর এবং আবেদন-নিবেদন কাকুতি-মিনতি সমস্তই রুদ্ধ পাষাণ দুয়ারে মাথা খেয়ে ফিরে এসেছে। মন্ত্রীসভার সেই হৃদয় দুয়ার উদ্ঘাটন কর্ত্তে পারেনি এই আবেদন-নিবেদন।

এবং একথাও আমরা জানি, মন্ত্রীসভা কিছুই কর্ত্তে পারেন না। আমরা জানি, মন্ত্রীসভা যাদের ইঙ্গিতে পরিচালিত, তাদের ইঙ্গিত ব্যতিরেকে এই ধারার কোন প্রকার পরিবর্ত্তন কর্ত্তে পারবেন না। এ জেনেও আমরা আজ মনোনয়ন প্রথার সমালোচনা করছি, তার মানে এ নয়

আমরা এখনও বিশ্বাস করি যে, মন্ত্রীসভার সদস্যরা তাঁদের মত পরিবর্ত্তন ক'রে এই মনোনয়ন প্রথার পরিবর্ত্তন ক'রে নির্ব্বাচন প্রথা প্রবর্ত্তন করবেন। আমরা এইজন্য সমালোচনা করছি যে, ভবিষ্যতে জাতি একথা বলবার সুযোগ না পায় যে, যে বিশ্বাসঘাতক কার্য্যধারা জাতিকে পঙ্গু করবার চেষ্টা হয়েছিল সেই চেষ্টা কোনদিক থেকেই ব্যর্থপ্রাপ্ত হয় নাই। একথা ভবিষ্যতে বাঙ্গালী জাতি যেন বলবার সুযোগ না পায় যে যখন জাতিকে সর্ব্বনাশের পথে পরিচালিত করবার প্রচেষ্টা চলছিল, সেই সময়ে বাংলার একমাত্র জাতীয় দল নির্ব্বাক হ'য়ে তা সহ্য করে গেছে। শুধু একথাটা জানিয়ে দিতে চাই যে, বাংলার এমন একটা দল ছিল, তাঁরা সংখ্যায় কম, কার্য্যের কিছুই কর্ত্তে পারেনি, তবু আপ্রাণ চেষ্টা করেছিল যাতে জাতির সর্ব্বনাশকারী মনোনয়ন প্রথার প্রবর্ত্তন না হতে পারে। আমরা জানি "জন বুল"এর প্রতিনিধি ক্যাম্পবেল্ সাহেব এই সভায় স্পষ্ট করেই বলেছেন যে, কংগ্রেসের হাতে করপোরেশন তাঁরা ছেড়ে দিতে পারেন না। এটা যে মন্ত্রীসভারও অভিমত তা তাঁদের বলবার সাহস নেই। মনে মনে মন্ত্রী হয়েছি ভেবে তো লাভ নেই,—জেতে যে গোলাম! গোলামের মুখ থেকে সত্য কথা বেরোয় না। আমরা জানি এই সমস্ত মন্ত্রীরা কিছুই নয়। ওরা "জন বুল কোম্পানী"র খেলার পুতুল, খোলামকুচি।

কিন্তু তার চাইতেও স্পষ্ট সত্য কথা কথাপ্রসঙ্গে একজনকে বলেছেন মিলার সাহেব। তিনি স্পষ্ট ক'রেই বলেছেন, যে-চারটি আসন মনোনয়নের জন্য রাখা হয়েছে তা নির্ব্বাচিত সংখ্যার সামিল ক'রে সুভাসচন্দ্রের হাতে সেই চারিটি আসন ছেড়ে দিতে তাঁরা পারেন না এবং বাংলার বিপ্লবী দলের শক্তিকে পরিপুষ্ট কর্ত্তে চান না। তিনি একথা বলতে পারেন, কেননা এই চারটি আসনের নির্ব্বাচন ব্যবস্থা তাঁদের স্বার্থের প্রতিকূল, তাঁদের সমস্ত ব্যবস্থার বিরোধী। ইংরাজ জানে যে, বাঙ্গালী সঙ্ঘবদ্ধ না হলে তার দুরভিসন্ধীর পরিপন্থি-অবস্থা সৃষ্টি কর্ত্তে পারবে না।

ইংরাজ জানে যে, বাঙ্গালীর ঐক্য তার রাজত্বের পক্ষে বিঘ্ন ঘটাবে, বাঙ্গালী ঐক্যবদ্ধ হলে এদেশের শোষণ করবার সুবিধা থাকবে না। তাই তারা তাদের অন্নে পুষ্ট কৃতদাসদের লেলিয়ে দিয়েছে বাঙ্গালীর ভাগ্য নিয়ে ছিনিমিনি খেলতে। যাতে বাঙ্গালীর সংহতি, কৃষ্টি, ঐক্যবোধ এই সমস্তের বিরুদ্ধে আঘাত কর্ত্তে পারে তার জন্য তারা মন্ত্রীসভাকে উৎসাহিত করছে। মন্ত্রীসভাকে একটা কথা জিজ্ঞাসা করব:—সাম্প্রদায়িক রোয়েদাদ ১৯৩৫ সালের Government of India Act এর অন্তর্গত কি না? সেই সাম্প্রদায়িক রোয়েদাদ (communal award) এর অন্তর্গত পুণা চুক্তি কি না? সরকার কর্তৃক মনোনয়ন প্রথা পুণা চুক্তির বিরোধী কি না? তাই যদি হয়, তাহ'লে পুণা চুক্তির অন্তর্ভুক্ত বিষয় এই মন্ত্রীসভা ও মুসলীম লীগ অগ্রাহ্য করবার যে নির্দ্দেশ দিচ্ছে এটা সম্পূর্ণভাবে Government of India Act এর বিরুদ্ধে যায় না? আজ বাংলার কংগ্রেসকে কোনঠাসা করবার আয়োজন চলছে। বাংলার কংগ্রেস, ক্রমাগত আঘাত পেতে পেতে আজ এমন অবস্থায় এসে পৌঁচেছে যে তার মনে এ প্রশ্ন জাগা একান্ত স্বাভাবিক যে তার পক্ষে এই সর্ব্বনাশা সাম্প্রদায়িক ব্যবস্থার বিরুদ্ধাচরণ করা আজ অপরিহার্য্য হ'য়ে উঠেছে কি না?

কংগ্রেস মুসলমান সম্প্রদায়ের একটা পরিষ্কৃ সংখ্যার মুখের দিকে তাকিয়ে সাম্প্রদায়িক রোয়েদাদের পথে প্রতিবন্ধকতার সৃষ্টি করে নাই; এর বিরুদ্ধে কোনরকম প্রত্যক্ষ অভিযান করে নাই। কিন্তু মুসলীম লীগ এবং বাংলার মন্ত্রীসভাই সাম্প্রদায়িক রোয়েদাদের বিরুদ্ধে প্রথম অভিযান সৃষ্টি করেছে। এর সম্পূর্ণ দায়িত্ব মুসলীম লীগের এবং বর্ত্তমান মন্ত্রীসভার। কেননা তারাই প্রথমে সাম্প্রদায়িক রোয়েদাদের বিরুদ্ধে সংগ্রাম ঘোষণা করেছে। তারা আর একথা বলতে পারবে না যে, হিন্দু পরিচালিত কংগ্রেস মুসলমানদের অসুবিধা সৃষ্টি করবার জন্য সাম্প্রদায়িক রোয়েদাদের বিরুদ্ধে সংগ্রাম সুরু করেছে। সাম্প্রদায়িক ব্যবস্থার বিরুদ্ধে প্রথম সংগ্রাম ঘোষণা করেছে মুসলীম লীগ এবং তার পৃষ্ঠপোষক বাঙ্গালী মন্ত্রীসভা।

কাজেই আজ মন্ত্রীসভাকে আমি বলছি, যদি বাংলার হিন্দু এবং বাংলার কংগ্রেস এই প্রকারে আঘাতে আঘাতে ক্ষিপ্ত হ'য়ে সাম্প্রদায়িক সমস্যা নিরাকরণের জন্য সাম্প্রদায়িক সংগ্রামে ঝাঁপিয়ে পড়তে বাধ্য হয়, তাহ'লে যে অবস্থার সৃষ্টি হবে সে অবস্থার দায়িত্ব মন্ত্রীসভা পরিহার কর্ত্তে পারবে না। এইভাবে জাতিকে ছিন্ন ভিন্ন করবার দায়িত্ব মন্ত্রীসভাকে এবং মুসলীম লীগকে গ্রহণ কর্ত্তে হবে। ভবিষ্যতের ইতিহাস বাংলাকে ছিন্ন ভিন্ন করবার দায়িত্ব সম্পূর্ণভাবে মোসলেম লীগের উপরই অর্পণ কোরবে।

কংগ্রেস অনেক অবিচার অনাচার সহ্য করেছে শুধু মোসলেম সমাজের একটা বৃহৎ অংশের মুখের দিকে তাকিয়ে। কংগ্রেসের প্রত্যেকটী লোক জানে যে, সাম্প্রদায়িক বাঁটোয়ারা জাতির সর্বনাশ করবে, ভবিষ্যৎ অন্ধকারে ঢেকে দেবে, জাতির অগ্রগমনের পথে অন্তরায় ও বাধা সৃষ্টি করবে, মুক্তি-সংগ্রামকে অসম্ভব ক'রে তুলবে। এ জেনেও কংগ্রেস এই বিধানের প্রত্যক্ষ বিরুদ্ধাচরণ করেনি। তার আশা আজো আছে যে একদিন মুসলমান সম্প্রদায়ের ভুল ভাঙ্গবে, একদিন তাদের সুবুদ্ধির উদয় হবে, একদিন তাদের প্রাণেও মুক্তির স্বপ্ন আলোড়নের সৃষ্টি করবে। আজো কংগ্রেস মনে করে যে, আমরা নিজেদের মধ্যেকার যা কিছু পার্থক্য, যা কিছু মতান্তর, মনান্তর, আমরা নিজেরাই তা মেটাব। MacDonald, Chamberlain বা John Bull এর কোন প্রতিনিধির কাছে যাব না।

মুসলীম লীগ নিজেই সাম্প্রদায়িক বাঁটোয়ারার বিরুদ্ধে সংগ্রাম ঘোষণা ক'রে কংগ্রেসকেও আহ্বান করছে সাম্প্রদায়িক বাঁটোয়ারার বিরুদ্ধে সংগ্রাম কর্ত্তে। এতে যদি সাম্প্রদায়িক আবহাওয়া আরও বিষাক্ত, আরও জর্জ্জরিত ও পূতিগন্ধময় হ'য়ে উঠে তাহ'লে সে দায়িত্ব বাংলার বর্ত্তমান মন্ত্রীসভার। সে দায়িত্ব তাদের, যারা সেই মন্ত্রীসভাকে সমর্থন করে।

Babu KSHETRA NATH SINGHA: Sir, I had no mind to take part in these deliberations, but one thing has amused me much, and forced me to speak. On a single clause, 119 amendments have been moved and if all the amendments are gone through, one will be astonished to see how mercy has been shown to the Scheduled Castes people. Only three nominated seats were given to the Scheduled Castes people, but in these amendments we see that these merciful people have taken away these seats—some two, some three and some even more. Nobody has conceded that the Scheduled Castes people have a prior claim over all other communities, and there would not have been any chance of bringing afresh this Bill had there not been any change in the Upper House. From this we can judge in what esteem we the Scheduled Castes people are looked upon by the people of Bengal.

Sir, I would like to say one thing to my Scheduled Castes friends. The other day, Mr. Monmohan Das was saying that the Scheduled Castes representatives on the Coalition side were obstructing in every way and that they were trying to raise themselves too much in the estimation of their own people in the House. I also challenge them to ponder whether they represent the majority of the Scheduled Castes people in Bengal and what authority they have had to speak on behalf of one crore of the Scheduled Castes people in Bengal. I ask them to show what right they have to intrude upon the right of this side to speak on behalf of the Scheduled Castes. I would ask them to think

soberly of the miserable condition of the Scheduled Caste brethren who are suffering and whose sufferings have not yet seen the light of day. My friends, what have you done? At the preliminary stage, you told Government that the Scheduled Castes people wanted separate electorate so that they might stand independent of any other community's kindness or goodness. But you did not stick to that. Then came the second stage. My Coalition Scheduled Castes friends wanted that 7 nominated seats should be reserved for Scheduled Castes. Yes, I could understand the position if they could achieve that, and I would have been grateful to them if at least 7 seats were reserved for the Scheduled Castes and thereby do the service of keeping at least 7 Scheduled Castes people intact in one group. But they have not been able to do that; they have not got the authority to do that as they do not fight for the community as a whole. I know they are always selfish. (Mr. UPENDRANATH EDBAR: No, no; do not talk irrelevantly.) Yes, I am telling facts. Do not interrupt me. Then comes the third stage which I must call the blackest stage of the black Bill—the stage of dividing or bisecting the Scheduled Castes people. You could not get 7 seats in one block. You were given 4 seats on one side and 3 seats on the other. Nobody has ever heard of such a thing in a civilised democratic country. Nobody can find anywhere that one community was being given 4 seats on one side and 3 seats on another side in order to neutralise its effect. Why should Government do this? Because they are afraid of Caste Hindus who are always our ironical friends. They could not displease them. They could displease them for their own sake, for their own community but for the sake of the Scheduled Castes who wanted their help, they were very much afraid of them. So out of kindness, they have divided our seats between 3 and 4, so that we may not stand against anybody. We cannot stand even against ourselves. My Coalition Sceduled Castes friends remain on that side and we remain on this side, and we cannot unite on any question whatsoever. You may be the *Suarani* of Government, but I say that a day will surely come soon when you will have to pay the penalty for it. (Mr. UPENDRANATH EDBAR: That day will never come.) I am not a novice here. I have been here for several years. Let me cite an instance. Consider the case of the Dacca election. Although Mahadev Mondal secured the support of Government, where is he now? He could not get even half of the total number of votes polled by the successful candidate. Every representative of the Scheduled Castes should always have his eye to the future and act accordingly. The Muslims can stand on their own legs, but the Scheduled Castes cannot. Under these circumstances, this bisection is most unfortunate for our community as a whole. In Bengal we always live by division and subdivision and that is the curse of this miserable land of ours. I do not like to speak anything more on this subject. Government at first showed mercy to this community by reserving 7 seats for the members

of this community, but afterwards made two divisions in this allotment. So what they gave by one hand, they took away with the other. We are between Scylla and Charybdis—on one side we have got Caste Hindus and on the other Muslims and we are always to lick the shoes of either, we find nobody is going to help us—it is only the Merciful God who alone can help us! This Bill clearly shows that we have neither the past nor the future, but only God above.

Khan Bahadur Maulvi JALALUDDIN AHMAD: The Calcutta Municipal Bill, 1939, has raised a storm of protest and hurricane of agitation from a section of powerful vocal public inside and outside this House and in public platform and in press. Thanks to the technique of the agitation and the propaganda imported from the West, the Bill has been made to appear as a diabolical measure engineered to rob the Hindu community of their legitimate rights in the civic administration of the Calcutta Corporation and to perpetuate the greatest injustice to them on political motive.

In this House the Bill was subjected to severe comments or protests and was passed after a protracted deliberation. Since then agitation has been carried on in the platform and the press against it in the name of justice and fair play. I would ask the Opposition to pause and consider how this Bill has reduced the Hindu majority. The natural result of the voluminous and vocal protests at every stage of the Bill has raised a suspicion in unsophisticated minds towards the motive that has prompted the introduction of this Bill. Taking advantage of the fact that the Bill has been sponsored by the Ministry with a Muhammadan at the head and supported by a large number of Muslim members in the Coalition, the Opposition has assiduously attempted to engender in the public minds an idea of tyranny of the majority over the minority in the Legislature. Severest criticisms have been levelled against every clause of the Bill particularly against separate electorate of the Muslims, larger number of seats to the Europeans, retention of nomination and the resultant reduction of Hindu seats in the Corporation.

Serious grievance has been made against inadequate allotment of seats to the Hindus unjustified by their number and interests in Calcutta. On the floor of this House objections were met by Government and other supporters of Government by reference to the genesis of the Bill and appeal to facts and figures. It was made clear that this Bill has not reduced the Hindu majority to minority, although it might have touched the monopoly of control by a political group, namely, the Congress Party. The Opposition in the Legislature blinded by the enjoyment of this monopoly for some years in the administration of the Calcutta Corporation have sensed a wrong to them and a motive in the Government not easily discernible by impartial observers. The

Congress Party or the Opposition in their attack on separate electorate opposed to joint electorate has made it plain that this municipal administration of the city is free from communal or political complexion. It deals with civic amenities of Calcutta to all the residents of Calcutta irrespective of caste, colour and creed. The Opposition has also laid emphasis on the absence of any communal or party problem in municipal matters and as such separate representation is uncalled for. Admitting this proposition to be true, the Opposition has got to reconcile how they can maintain with any show of reason their grievance in connection with Congress majority in the Corporation apart from the Hindu majority which has been retained in this Bill. This discussion about the attitude of the Opposition for maintaining their political party supremacy is now a matter of past history after the passing of this Bill by the Lower and Upper Chambers. The question after modification by the Upper House in respect to clause 3 dealing with the number of appointed list has centred round the reduction of the number of the appointed list as passed by the House. The Government has moved an amendment that the original number 8 be substituted in place of 4. The Opposition has tabled a number of amendments which seek to reduce "4" to 3, 2 and 1 and one seeks to increase it to 5. In all the amendments of the Opposition one thing is common, viz., nomination has been retained in some form or other, although in speeches on them the principle of nomination has been severely condemned in the name of democracy. This seems to be an untenable position. In any sphere of democratic organisation operating in this country or elsewhere I do not know that democracy has been able to abolish nomination in practice. The nomination of an individual or a group in some shape or other is found operating in every branch of the present democratic governments overrun by plutocracy. The group representation or the nomination of a representative by a group or by an individual is a working feature of the present constitution. The decision of this Legislature in any vital matter specially by a Bill dependent on the choice of an individual is rooted in the Constitution and the Opposition has not failed to take advantage of this element in the Constitution by appeal to the individual against the decision of this Legislature or a passage of a Bill which is a clear negation of democratic principle so much advocated in theory by the Opposition and the idealists.

I just appeal to the Opposition and other members for whom I have regard to consider this. Can you be absolutely free from Government favour? So long as Government is there, we have to petition the Government and we have to speak to the Government. What after all is democracy? Practical democracy is only party politics and no party can exist without some sort of nepotism or favouritism. What is the position in England? What is the position in America? Do not the Governments exist there by the help of capitalists and industrialists and landlords?

Nomination in some form or other is a constant feature of practical democracy and no democracy operating here or elsewhere has been able to abolish nomination. If this is not a feasible measure, the question of number of appointed seats is a matter of secondary importance. Any number is arbitrary. If Government suggest 10, you may say 5, and if you suggest 10, Government may say 5. There is nothing much in number. It is difficult to estimate and proportion it to necessity. Even my friend Mr. Santosh Kumar Basu, who said that nomination should be done away with and that it should not find a place in the Act, suggested in his amendment that a seat might be reserved for the Chairman of the Calcutta Improvement Trust in the appointed list. He found it difficult to suggest any other method by which the Chairman of the Calcutta Improvement Trust whom he desired to see in the Calcutta Corporation could be appointed.

With regard to the question of number, 8 as suggested by Government was passed here. Had it not been for the modification effected by the Bengal Legislative Council, this question would not have arisen. Now Government have fixed this number 8 according to their own view of necessity. Moreover, the Opposition has found fault with the allotment of seats for the Scheduled Castes. I would not like to enter into a controversy, but I would ask the members to take this fact into their consideration. The Coalition Government have adopted the principle of separate electorate for Mussalmans in this Calcutta Municipal (Amendment) Bill and consistency demands that separate representation should have been given to the Scheduled Castes. But Government out of deference to the agitation set up by the Opposition or influence in the Cabinet have modified their view. It has therefore become all the more necessary to reserve some seats in the appointed list whereby Government can see that the Scheduled Castes are represented on the Calcutta Corporation proportionate to their number. That being so, I don't think that there can be any argument against the reservation of these seats for nomination apart from election. It cannot be said that seats are not justified so far as Scheduled Castes are concerned—4 by election and 3 by nomination.

Before I conclude, in all humility, I wish to impress on the Opposition one fact, viz., by their persistent agitation, they are doing the greatest disservice to their own cause quite unconsciously. I would request them to excuse me for this out of the way remark, but I am doing it with a very sincere motive. Opposition to this Bill, though a trivial measure of doubtful utility to the minorities specially Muslims, is being interpreted very prejudicially against the Congress and Hindus in the Muslim countryside. I may tell them the more they agitate, the more the people, particularly unsophisticated Mussalmans, are led to think that this Bill is the grandest achievement of the Government. If the Opposition is to bid popularity among the masses

of all castes and creeds, with the present Ministry and it is to their particular interest that they should acquiesce in such small measure and do not give opportunity to the Government to score easy popularity with the masses by their mistaken policy.

Mr. I. D. JALAN: Speaker, Sir, I beg to support the amendment moved by Mr. Khaitan the other day for giving representation to the Indian commercial interests. Sir, we know that so far as the Bengal Chamber of Commerce and the Calcutta Trades Association are concerned, they have been given 10 seats. Besides the seats enjoyed by them on behalf of the said Chambers of Commerce they have also got the right to vote in the General Constituency and thereby affect the result of the General Constituencies. The European community therefore practically enjoys plural voting rights when others do not. If once this principle be accepted that the Bengal Chamber of Commerce and the Calcutta Trades Association as commercial bodies are to be given a representation to safeguard the European commercial interests in the Calcutta Corporation, there is no reason, Sir, why the Indian commercial interests should not be similarly protected. If the desire of the Legislature in giving these seats to the Bengal Chamber of Commerce and the Calcutta Trades Association is however not to give representation to the European commercial interests but to give seats to the European community, certainly, Sir, instead of giving seats to these Chambers there should have been separate electorates for the European Constituency. In that case the Europeans would not have enjoyed the rights of plural voting, and it would not have been possible for them to influence the voting in the General Constituencies. I can say, Sir, for instance that in Ward No. 7 there are at least about 1,200 votes which are cast by Europeans and candidates who want success have got to canvass them for their support. As I have stated before, if the principle is to give representation to European commerce, as I believe it is, there is no reason whatsoever why Indian commerce which has got more vital interests in the affairs of the Corporation should not be given proper representation. Therefore, on this principle of commercial representation, I support the amendment which has been moved by my honourable friend Mr. Khaitan. So far as the bodies which he has selected are concerned I believe that there could not be a better selection than that. He has chosen the Indian Chambr of Commerce which stands second only to the Bengal Chamber of Commerce in importance in this city which is known to all. The second is the Bengal National Chamber of Commerce which represents some of the biggest commercial interests of this province. Then he has chosen the Muslim Chamber of Commerce which has been already given a seat in the Bengal Legislature, and lastly he has chosen the Marwari Association because it also represents a large volume of trade and commerce of this city. So far as the Marwari Association is concerned, I should add one

more remark from the point of view of the interests that it represents, *viz.*, that so far as the members of the Marwari community are concerned, they are entitled to a certain amount of representation in the affairs of the Calcutta Corporation. They pay a very large amount of taxes, and if you look at the voters' list, you will find that their number will be about one-tenth of the total voters of this city of Calcutta. And there is no reason why this community should not be allowed to have at least one representative assured to them in the Calcutta Corporation. Sir, we have been hearing many uncharitable remarks against this community for some time past. Many of such remarks are, I am constrained to say, based on misinformation—on informations which have got no basis whatsoever. So far as members of this community are concerned, they are as good as the children of the soil; they have settled down for a long time in this part of the country; they have lived for several generations here, and will live and die here. They are entitled to representation and even high appointments in the same manner as others. Even some of the uncharitable remarks, Sir, have been cast on the floor of this House. I wish better sense will prevail; and so far as members of this community are concerned, I do not think anybody should grudge a seat at least to the Marwari Association which, I hope, would kill two birds with one stone. That will satisfy the commercial interests of the community and will also give a representation to a minority.

Sir, I need not dwell upon the general aspects of the question because I believe enough of discussion has taken place on the floor of this House and outside. So far as Government are concerned, so far as their programme is concerned, it has been specifically stated in this House even by the most responsible Ministers that the first idea to have this Bill is to crush the Congress Party in the Corporation. They have no doubt stated that they have given a majority of one or two seats to the Hindu community, but so far as the Hindu community is concerned, its feelings have been very deeply stirred. No amount of cajoling, no amount of explanations can satisfy their feelings. As a matter of fact, their feelings are that the present régime is rather more harmful to the interests of the minority than the old bureaucratic régime. So far as the old régime was concerned, because they were foreigners, they were always afraid of popular upheaval in the country, and they never wanted that a popular upheaval should be of such a magnitude as to endanger their interests in the country. But so far as the present Government are concerned, they feel that they have got the backing of the majority of the people and therefore they can safely crush us and brush aside even the legitimate demands of the minority. That is quite apparent from the speeches and utterances which have been made on the floor of this House. Nothing would be more regrettable than that. There is no use dwelling on this matter by speech,

only action can satisfy and produce results. I therefore need not waste the time of the House because I believe it is merely crying in the wilderness. We are proceeding in an atmosphere of unreality because Government have already announced in the Upper House that it will get the original Bill passed both by the Lower and the Upper House, and that is the reason why we are not inclined to press anything in a serious mood save and except to give expression to our legitimate grievances. I have been feeling that so far as the speeches are concerned, there is no reality in them because Government want to do whatever they like and they do not pay any rgard to the feelings of the people. At the same time I do not wish to accuse the Government of dishonesty; I do not wish to say that Government are proceeding with this Bill with an idea in which they have no faith or with any insincere motive. Let them do whatever they feel proper and others will do whatever they think right. But the only thing I can say is that there should have been more regard for the feelings of the minority in Calcutta, and that is all that I have got to say.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I am really in a difficulty. I have given notice of several amendments, each and every one of which is of a different nature containing different suggestions. Sir, for all practical purposes it is difficult to accommodate all these different suggestions in one single speech. I have therefore thought it advisable to put in one of my amendments only, that is amendment No. 19, in which I have said that for the word "four" the following be substituted, viz., "Five of whom one should be the Chairman, Calcutta Improvement Trust, one Scheduled Castes and three ladies—one Muslim, one Hindu and one Anglo-Indian." I am sure no member of this House, not even the members of the Coalition Party, would be so unchivalrous as to deny the ladies these three seats in the Calcutta Corporation. My suggestion to the Hon'ble the Minister in charge of the Bill would be that he should see that three seats are given to ladies in the Calcutta Corporation to look to the necessity of maternity, child welfare and to devise ways and means to save the children from infant mortality. Sir, when the Government is so unreasonable, when the Government is so determined to flout the decision of the Upper House, I have found out a via media—a compromise; and I think Government would not contemplate a better suggestion than what I have given just now, that there should be five seats for nominated members. The Chairman of the Calcutta Improvement Trust should be an ex-officio member and councillor of the Calcutta Corporation—no member of the House should object to that. A member of the Scheduled Castes should be a nominated councillor, and I have already spoken of the necessity of three seats for ladies of the three communities—one Hindu, one Muslim and one Anglo-Indian. Sir, the other day I made it clear that Government ought to have accepted the

decision arrived at by the other House, that is, there should be four councillors nominated by the Government. Sir, may I ask—and seriously ask—the Hon'ble Minister in charge of this Bill what is the reason behind, that he is determined to get eight councillors as nominated councillors in the Calcutta Corporation. There are 90 councillors to be elected from the different constituencies, and the Upper House suggested that there should be four more, *i.e.*, altogether 94. I submit, Sir, that Government have no justification for demanding four more seats for nomination in the Calcutta Corporation. The other day, Sir, I made it clear that only in this province—in fact, I am sure in no other province in India—the decision of the Upper House has been ignored by any Provincial Government from 1937 to this day. This is the only, single and solitary instance in which Government is going to flout the decision of the Upper House. It is for this reason only that I have suggested a formula, namely, that there should be five nominated seats, and that Government should rest content with one more seat only. I am prepared to give Government one more seat in addition to the remaining four.

Sir, Khan Bahadur Maulvi Jalaluddin Ahmad in the course of his speech pointed out that I have not suggested the abolition of the system of nomination altogether. If he kindly looks at items Nos. 3 and 4 of the agenda, he will find that the abolition of the system of nomination altogether was ruled out of order by the Speaker. Therefore, Sir, we had no other alternative but to move an amendment in this way. Some suggested 3; some suggested 2; some suggested 1. (Mr. SANTOSH KUMAR BASU: Because one had to be retained.) I for myself can say, Sir, that I have one motion to the effect that there should be one nominated seat and that seat must go to the Chairman of the Calcutta Improvement Trust. There was no other alternative for us but to make some alteration if the principle of nomination could not be abolished at this stage. However, Sir, I know that the dignity of the Upper House will be maintained by the members of the Upper House, and I am sure that the Upper House will come forward to see that their decision is kept intact when this Bill goes back to them; (Mr. SANTOSH KUMAR BASU: Hear, Hear.) and if that happens, certainly there will be difficulty in piloting this Bill or in the passage of this Bill through both Houses of Legislature.

Sir, I have waited so long to hear from the Hon'ble Minister in charge of this Bill the reason he can put forward for maintaining that eight nominated seats should be retained. Sir, the principle of reduction in the number of nominated seats has already been accepted by Government. Originally, the number of nominated seats was proposed to be 10; owing to pressure Government accepted the principle of reduction and, in fact, reduced the number from 10 to 8. What is the harm, what is the objection, what is the reason, Sir, that it must be 8 and why it should not be 5 or even 4? This shows that Government has

no reason behind the proposal. I know, Sir, as suggested by Khan Bahadur Maulvi Jalaluddin Ahmad that the Opposition has created an atmosphere which is going against the interests of the Opposition themselves. Sir, there was no other alternative for them but to take the course that they have adopted. The other day I pointed out that in the Upper House Government had a clear majority to carry anything they liked and that that was a House only for that purpose. Even in that House, Sir, some alteration in the Bill was proposed by way of an amendment, and it was carried against Government; still, Sir, Government are adamant. They are not going to accept that decision. However, I hope, Sir, that good sense will yet prevail, and the Hon'ble Minister in charge of this Bill will accept this amendment even at this stage.

Sir, I should like to say once more that Government in their new amendment have not mentioned as to who should be those eight nominated members. The Hon'ble Minister in charge has given notice of a motion that there will be eight nominated seats. Are we not entitled, Sir, to know who in the opinion of Government are fit to be those eight nominated members? Can the Hon'ble Minister in charge of this Bill here and now tell the House that the following seats will be allocated in the following manner? We are entitled to know how many ladies, how many members of the Scheduled Castes and how many members of the Anglo-Indian community or of Labour will be taken in. Government have kept us absolutely in the dark with regard to the allocation of seats. Therefore, Sir, I have made it clear in my motion that of the five seats one should go to the Chairman of the Calcutta Improvement Trust, one to a member of the Scheduled Castes and three seats to three ladies of the three big communities of Bengal. Sir, we hope to hear from the Hon'ble Minister as to how he makes the allocation. Sir, we are prepared to reconsider our decision, we are prepared to compromise, and we are still thinking what course we should take when actually the debate will be closed and voting will take place; if we are given to understand that the allocation of seats will be made in this way or that way, we are prepared to reconsider our position.

With these few words, Sir, I would request the Hon'ble Minister in charge to accept my amendment as it is.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I would like at this fag-end of our debate only to give a virtual summary of the various arguments which have been put before the House, so that the Hon'ble Minister in charge may deal with them when he will be called upon to give a comprehensive reply to these 119 amendments. It will be noticed, Sir, that so far as the Opposition is concerned, they have tried to approach the question from four different angles of view.

In the first place, Sir, the Opposition has felt—and rightly too—that there should be as little room for nomination by Government as is possible, and, therefore, there is a series of amendments regarding the reduction of the number of nominated seats: first from 8 to 4, as proposed by the Council, and thereafter from 4 to 3, 2, and 1. It will be for the House to give its opinion as to which exact number the House will accept. I am not going into the merits of a particular number or numbers, but, generally speaking, it has been made abundantly clear that so far as nominations are concerned, they should be reduced to as low a figure as possible. The second series of amendments relate to reservations, retaining the number at 4 or less. So far as the Opposition is concerned, they have not proposed any increase in the number, and, therefore, all the reservations they have sought to move have been with reference to the reduced number 4, which has been proposed by the Council.

In the series of these reservations, it will be noticed that the first important reservation that has been pressed from this side has been the reservation for Scheduled Castes. It was practically accepted by every section of the House that the number of members of the Scheduled Castes that would be given seats in the list of Councillors of the Corporation must on no account be reduced below seven. Four of them were originally provided for through election and three were proposed to be provided for through nomination. While the Council reduced the number from 8 to 4, the Council did not specifically provide that out of these 4, 3 should go to the Scheduled Castes. Therefore, some lacuna had been left and we on the Opposition side have pressed that at least that portion of the reservation should be retained. If on account of the reduction of this number to 4, it may not have been found possible to retain the old number 3 in the reservation list, we had tried to provide some seats through election, but unfortunately all those amendments of ours have been now ruled out of order, rightly so, probably, by the Hon'ble Speaker.

The third series of reservations have been with regard to various qualifications. Some have proposed that there must be reservation of one seat for the Chairman of the Improvement Trust: there have been proposals for seats for experts, there have been proposals for reservation in the interest of labour, in the interest of ladies and in the interest of various other kinds of persons including members of the various communities as also of trading and other professional groups which have been proposed through various kinds of amendments. It is for the House now to apply its mind and find out whether it is possible to give Government a definite direction as to the lines in which Government should make its selections. It has been our unfortunate experience in connection with Government nominations that nominations are not always made in the best interests of the particular institutions for which nomination is made. We have

found that considerations other than the consideration of the rate-payers' interests find favour with Government in the matter of nomination. I will not say that Government distribute patronage through nomination. But it has been our unfortunate experience that in most cases Government do not accept the best men of the place for nomination. Recently I had an instance in which, in two local bodies, nominations have been given merely and definitely with the idea of turning the scale against the elected members. This was a case in 24-Parganas. It was a case recently in the Jangipur Municipality—I am taking one case of a district board and another instance of a municipality. In the Jangipur Municipality, all the four seats reserved for nomination have been given to Muslims and Muslims belonging to a particular party—a party that could not get a sufficient number of men elected. Thereby the whole character of the municipal administration would be changed, because the elected members who had expected to get their representative elected to the position of Chairman will not now have that comfortable majority.

Thereafter, there is a series of suggestions regarding the distribution of seats which Government might be prepared to propose. Government have already throughout their suggestions proposed to increase the number from 4 to 8. Supposing that is accepted by the House, even then there is scope for reservation. Government had originally proposed to reserve 3 seats for Scheduled Castes which Government again intend to restore. In addition to that there remain 5 seats. There was a pious wish expressed on the floor of this House that if not two, at least one seat would be reserved for ladies and there was a motion to that effect in this House. But the motion had to be withdrawn on the assurance of the Hon'ble Chief Minister. If an opportunity is now given to propose definitely that reservation as an alternative to the original reservation, I do not see any reason why some other reservation cannot also be considered. Thus, we should reserve three seats, namely, one for the Chairman of the Calcutta Improvement Trust who, as a matter of fact, has all along been nominated by Government—why should not he have a definitely stated seat on the list of nominated members and two for two ladies also. Why should not these three seats be mentioned definitely along with the three Scheduled Castes seats? So, if these three seats along with the three nominated seats reserved for Scheduled Castes are fixed, we will know definitely that these seats will go to certain definite persons or certain definite groups of people. There will remain only two more seats and Government may at most do mischief—which at the present moment I do not want to ascribe to them—in respect of two members only, that will not be so vital and dangerous. So, if we analyse all these motions, it will be found on the whole that there are motions for reduction of number from 4 to 3, 2 and 1; there are motions for reservation of seats irrespective of number; there are motions for reservation of seats within

the number 4 and there are motions for reservation of seats for the Scheduled Castes in particular. If, Sir, you, while putting these amendments to vote, be kind enough to give this House an opportunity of voting independently on these issues which have been clearly explained—at least I have tried to explain—that will be very helpful. I find, if the order of the motions is followed and if one exclusive motion is first put to the vote, the others may not arise. I submit, Sir, that in your own discretion, you will be good enough to analyse the whole number of motions in this manner and permit the House to express itself properly as and when these different issues will be put before the House. I support all these amendments.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I believed at first while moving my motion that it would be unnecessary for me to speak on the amendments as the House had already discussed them very thoroughly, passed the Bill and sent it to the Upper House. The question is very simple. Does this House approve of the amendments as passed by the Upper House and sent to this House? Or does this House approve of the original Bill as sent to the Upper House? Sir, this matter was thoroughly discussed and debated day after day and the Assembly thereafter thought fit to pass this Bill and send it to the Upper House. In the Upper House on account of a "snap" division owing to the absence of a number of members, this amendment was passed and in the Upper House we gave an assurance to the members there that we would try to bring this Bill back as originally passed by this House——

Dr. NALINAKSHA SANYAL: Assurance or threat?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Assurance, I said.

I do not think it is necessary for me to speak in regard to all the points raised by the different members. They have been discussed, but there are one or two things on which I would like to disabuse the minds of my friends opposite. Whenever my friends on the other side speak, they always harp on Government and Coalition Party members. Let me remind them that members of the Government are the elected members from different constituencies and the elected representatives of the people. The members of the Coalition Party in the same way are elected representatives of the people. They have come through various constituencies being elected by a majority. The Government here are supported by the majority of the elected representatives of the people and, therefore, whenever they speak of this Government, they should know that it is a Government of the people elected by a majority; and more so the

popularity of a Government is always found by a bye-election. In every bye-eletion in which the Coalition Party had sent a nominee, he has come out successful invariably.

Rai HARENDRA NATH CHAUDHURI: Except in the last election.

Mr. SPEAKER: I would expect that at this fag-end of the day the Hon'ble Minister would not cloud the issue by bringing in extraneous matters. I will request him to confine himself to the points at issue, so that we can finish it soon.

(There were interruptions from various sides of the House.)

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: May I appeal to you that you would kindly ask my honourable friends to refrain from interrupting me?

Another charge which I wish to refute on behalf of Government is that this Bill is a sort of Damocles' sword hanging on the head of the Hindu community. I say that this Bill is not taking away any rights from the Hindu community. They have got the same absolute majority in the Corporation. Therefore, the charge that we are communal is unfounded. We refute that charge. The original intention of the members of the Scheduled Castes who belong to the Coalition Party was that they should get representation by separate electorate. If this Government had been communal and wanted to divide the Hindu community into two, they would have accepted the proposal, but they did not accept it. That clearly shows that this Government have brought this Bill——

Maulvi ABU HOSSAIN SARKAR: Please come to the conclusion.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca. I shall come to the conclusion when I shall think it necessary. It is not your wish, it is my wish that will prevail. I appeal to the Speaker kindly to stop him from making such observation.

Mr. SPEAKER: Mr. Sarkar, I find that you are causing inconveniences by making remarks. There are other obstructions which are parliamentary, but I find that your obstructions are hopelessly unparliamentary.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: With reference to the speeches of Mr. Chippendale and Mr. Griffiths, I can assure them that Government sympathise with their motion. The Hon'ble the Chief Minister has given an assurance in this very House

that there will be at least one Anglo-Indian lady nominated to the Corporation. In view of this assurance which has been given in this House I hope they will withdraw the motion.

Some of my friends have asked why are you giving nomination to the Scheduled Castes. As I said we do not want our friends to be thrown to the wolves. To prevent that, therefore, we have accepted their suggestion and given them nomination.

Dr. NALINAKSHA SANYAL: Who are your lambs?

Mr. SPEAKER: You will remember, Dr. Sanyal, that when you spoke he was not interrupting you. I expect that you would not interrupt him. I have allowed interruption to such a limit that it is bringing discredit to this House and, therefore, I am not going to stand any such interruption. I can quite understand the necessity of interruptions from the front bench or from the leaders of the different parties. The interruptions should be of such a nature as is absolutely necessary and on party lines. All these interruptions are nothing more than the repetition *ad nauseam* of facts already discussed here. Unless I am satisfied with the nature of the interruption, I shall not be able to allow it. Please allow him to develop his argument.

Mr. SIBNATH BANERJEE: Will you kindly ask the Minister in charge not to repeat his arguments which we have often heard here *ad nauseam*?

Mr. SANTOSH KUMAR BASU: May I say that we do not want to throw the Scheduled Castes member over to the wolves. It is a legitimate interruption on our part, because by the word "wolves" the Hon'ble Minister evidently referred to the members of the Congress Group. He should be asked who are those timid lambs whom he does not want to throw to the wolves.

Mr. SPEAKER: Mr. Basu, you are a reputed lawyer of Calcutta and it is not proper for you to attribute motive.

Mr. SANTOSH KUMAR BASU: That is exactly what I want the Minister not to do.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Unfortunately this is not a restaurant, where I could understand a lamb cutlet or some such thing.

As I have already said this matter has been thoroughly discussed by this very House and they have arrived at a conclusion and sent this

Bill to the Upper House by a decision of the majority. Under the circumstances I would request the House to accept my amendment and send the Bill back to the Upper House.

Mr. SPEAKER: I think it would be convenient if instead of putting all these amendments to vote I do adjourn the House.

The House was then adjourned for 30 minutes.

(After adjournment.)

Mr. SPEAKER: I will now put the amendments. I may just inform the House as to the order in which I propose to do so. I feel that all these amendments more or less are of such a character that if onyone is carried the others—at least most of them—fall through. That being so I think that it would not be proper for me to put the Government motion first of all. I shall first divide all these motions according to the number. I find that there are certain motions which deal with the reduction of the number from "four" to one; and certain motions which deal with the reduction of the number from "four" to "two" and certain motions deal with the reduction of the number from "four" to "three". And then there is the Government motion of increasing the number "four" to "eight". In addition to that there are certain motions which are in the nature of certain specific provisions with a view to putting certain qualifying clauses governing these nominations. I feel that they stand on their own merit. They are not inconsistent in any way with any decision as regards the number. Therefore, I think it would be proper, in view of the fact that the Government motion is of an all-embracing character, to put it in the middle. I propose to take the motions in the following order, viz., Nos. 21, 67, 71, 92, 103, 107, 109, 119 and after that I put the Government motion. Now as regards Nos. 107, 109 by virtue of the power which I have got under rule 46, I divide both these motions into two. One is as regards the number and another as regards the qualification. If the number is common in any of these motions then by virtue of the fact that one motion is lost the others do not arise. In other words if No. 21 which suggests a reduction of the number from "four" to "three" is lost, then motions Nos. 107 and 109 which also aim at the reduction of the number from "four" to "three" would also be lost. With these preliminary remarks I will put motion No. 21 first.

Dr. NALINAKSHA SANYAL: With regard to Nos. 107 and 109, they relate to reservation of seats for Scheduled Castes. They could be fitted in with the Government amendment irrespective of the number "three".

Mr. SPEAKER: That would come in after Government amendment. What about No. 119?

Dr. NALINAKSHA SANYAL: That would come in also after Government amendment.

Mr. SPEAKER: Yes. Now, I shall put the first part of motion No. 21 of Mr. Syed Jalaluddin Hashemy.

The motion of Mr. Syed Jalaluddin Hashemy that in clause 3 (2), in line 1, of the proposed clause (*b*) for the word "four" the word "three" be substituted, was then put and lost.

The motion of Maulvi Abu Hossain Sarkar that in clause 3(2), in line 1, of the proposed clause (*b*) for the word "four" the word "two" be substituted, was put and a division called, with the following results:—

AYES—64.

Abdul Jabbar Palwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Basu, Mr. Santosh Kumar.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ganguly, Mr. Prafui Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Maniruzzaman Islamabadi, Maulana Md.
Mookerjee, Dr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. S.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nausher Ali, Mr. Syed.
Pain, Mr. Barada Prosanna.
Paul, Sir Hari Sankor.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamakrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mrs. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sen, Rai Bahadur Jogesh Chandra.
Shamsuddin Ahmed, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Zaman, Mr. A. M. A.

NOES—118.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Md.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.

Abdul Hamid, Mr. A. M.
Abdul Hamid Khan, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Hossain Joardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Birkmyre, Sir Henry Bart.
Blomenstock, Mr. L. M.
Brown, Mr. A. C.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Faziul Huq, the Hon'ble Mr. A. K.
Faziul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman (Mymensingh), Mr.
French, Mr. F. H.
Golam Sarwar Hosaini, Mr. Shah Syed.
Gomes, S. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K. of Dacca.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmed, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
MacGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mondal, Mr. Birat Chandra.
Mondal, Mr. Jagat Chandra.
Monirudzin Akhand, Maulvi.
Miles, Mr. C. W.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.,
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Sriochandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Paterson, Mr. E. A.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Saheb Alam, Mr. Syed.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Sarkar, the Hon'ble Mr. Nalini Ranjan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Shamsul Huda, Maulana.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Warren, Mr. P. F. S.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 64 and the Noes 118, the motion was lost.

The motion of Mr. Santosh Kumar Basu that in clause 3(2), in line 1, of the proposed clause (*b*), for the word "four" the word "one" be substituted, was then put and lost.

The motion of Mr. Rasik Lal Biswas that in clause 3(2), in line 2, of the proposed clause (*b*) after the word "Government" the following words be inserted, namely:—

"of whom three shall be members of the Scheduled Castes as recommended by the members belonging to the Scheduled Castes in the Bengal Legislative Assembly and the Bengal Legislative Council in a joint meeting to be held for the purpose,"

was then put and a division taken with the following result:—

AYES—76.

Abdul Jabbar Palwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Promhari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Mookerjee, Dr. Syamprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. S.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nausher Ali, Mr. Syed.
Pain, Mr, Barada Prosanna.
Paul, Sir Hari Sankar.
Ramizuddin Ahmed, Mr.
Ray Choudhury, Mr. Birendra Kishore.
Roy, Mr. Charu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sen, Rai Bahadur Jogesh Chandra.
Shamsuddin Ahmed.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Zaman, Mr. A. M. A.

NOES—116.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.

Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Hossain Jeardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Affazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry Bart.
Brown, Mr. A. C.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhushan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman (Mymensingh), Mr.
French, Mr. F. H.
Golam Sarwar Hosaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Chowdhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs. M. B. E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Chowdhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Miller, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C. I. E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K. C. I. E.
Paterson, Mr. E. A.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Saheb Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sasseen, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khondkar, Mr.
Shamsul Huda, Maulana.
Sirdar, Babu Litta Munda.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Chowdhury, Maulvi Haji.
Walker, Mr. W. A. M.
Warren, Mr. P. F. S.
Zahur Ahmed Chowdhury, Maulvi.

The Ayes being 76 and the Noes 116, the motion was lost.

Mr. SPEAKER: I shall now put amendment No. 6 which was moved by the Hon'ble Nawab Bahadur of Dacca.

The motion of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, that in clause 3(*2*), in lines 1 and 2, of the proposed clause (*b*) for the words "four Councillors to be appointed by the Provincial Government" the words "eight Councillors to be appointed by the

Provincial Government, of whom three shall be members of the Scheduled Castes and the remainder be appointed" shall be substituted, was then put and agreed to.

Mr. SPEAKER: I think, the net result is that all other amendments fall through and do not arise. If there is any member who thinks that his amendment does not, then I will consider it. (No member rose from his seat.) So I take it that the House agrees that the net result is that all other amendments fall through.

The net effect of to-day's amendment being carried is that the Bill has been substantially reinstated in the form in which this House originally passed the Bill and a message to this effect will be sent to the Upper House.

Programme of Business.

Mr. SPEAKER: There is one other matter. As regards the adjournment motion by Mr. Rai Chaudhuri as also the motion of the Coalition Party, I have looked into both these cases. If the motion of the Coalition Party had come immediately after the statement of the Hon'ble Sir Nazimuddin, I would have been perfectly entitled to hold that that motion would have priority, but in view of the fact that Mr. Rai Chaudhuri's motion come in first, I think, on a vital issue like this, I would not be exercising my right properly if I did not allow the Opposition to discuss this matter from their own point of view. In these circumstances, I hold that the adjournment motion of Mr. Rai Chaudhuri is in order but the rest of the formalities and other things I will take up to-morrow after the question time. If the House gives permission to discuss the adjournment motion, then I will take it up for discussion at 6 o'clock to-morrow.

Now the procedure I am suggesting for to-morrow is that after question time, we will finish the formalities of the adjournment motion. Thereafter instead of taking up the Rules matter, we will take up the Bengal Agricultural Produce Markets Bill and dispose of that. Then we will finish the Rules so that the rest of the time will be left to us for the discussion of the adjournment motion, if it is permitted by the House. This will simplify matters.

Dr. NALINAKSHA SANYAL: Sir, you may better call an informal meeting for the discussion of the Rules. That will expedite the matter.

Mr. SPEAKER: I will consider that.

Adjournment.

The House was then adjourned till 4-45 p.m. on Tuesday, the 11th July, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 11th July, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 218 members.

STARRED QUESTIONS

(to which oral answers were given)

Grant of allowance to Assembly staff.

***548. Maulvi MD. MOZAMMEL HUQ:** (*a*) Will the Deputy Speaker be pleased to state whether the assistants working in the Legislative Assembly Department have got any fixed hours of work?

(*b*) If so, what are they?

(*c*) Is the Deputy Speaker aware that the usual working hours in the various departments in the Bengal Secretariat with which the Legislative Assembly Department corresponds are from 10-30 a.m. to 5 p.m.?

(*d*) If so, will the Deputy Speaker be pleased to state whether he is considering the desirability of making the working hours in the Legislative Assembly Department correspond with those in other departments of the Bengal Secretariat?

(*e*) Will the Deputy Speaker be pleased to state whether the assistants in the Legislative Assembly Department have to work during the session of the Legislative Assembly till 8 or 9 p.m., some days even up to 10 p.m.?

(*f*) If so, do they get any extra allowance or overtime allowance for this overtime work?

(*g*) If they do not get any allowance, will the Deputy Speaker consider the desirability of granting them overtime allowance for these extra hours of work?

DEPUTY SPEAKER (Mr. M. Ashrafali): (*a*), (*b*), (*d*), (*e*), (*f*) and (*g*) It is quite correct that during the Assembly Sessions the entire staff of the Assembly Department have to work not only at an abnormally high pressure but also for very long hours frequently even on holidays in order to cope with the volume of work according to a fixed programme. This pressure of work practically begins from the date of the issue of summons for a Session, i.e., about a month before its

commencement, continuing till a fortnight after prorogation. In view of the unprecedented length of the current session continuing from the middle of February last, summonses for which were issued on the 22nd December last the strain on the staff has been very heavy, and more so, as the staff has to work in a temporary shed where the temperature during the heat of the summer months rises abnormally high. Besides, a setction of the staff has to work practically from early morning till late at night with only an interval for their mid-day meal as they have to attend Select Committee meetings, Council meetings and Library in the morning.

Mr. Speaker proposes to address Government on the subject when the session is over.

Mr. SIBNATH BANERJEE: Will Mr. Speaker please include coolies and peons while addressing on the subject?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Deputy Speaker kindly tell us whether the peons, chaprasis, and the workers of the cooling apparatus, etc., are included in the term "assistant"?

Mr. SPEAKER: A cooly cannot be an assistant. I might inform the House at this stage that it has been all along my practice not to allow any question about the administration of the Assembly Department. But I thought that it was such an important matter that information to the members might be helpful. I can assure this much that I am fully cognisant of the facts, and I think the members can wait till the next session.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister within whose cognisance the subject remains be pleased to state whether there is any system of granting overtime allowances to Government servants working in other departments?

Mr. SPEAKER: It is not fair on your part to ask that question to the Hon'ble Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: I can answer supplementary questions to the questions that I have answered, but I cannot answer supplementary questions to those questions that I have not answered.

Dr. NALINAKSHA SANYAL: The rule states that questions have got to be addressed to the Minister within whose special cognisance the subject remains.

Will the Deputy Speaker be pleased to state if on previous occasions either during the new régimé or during the previous periods, any overtime allowances were paid to the staff of the Council or the Assembly Department?

Mr. M. ASHRAFALI: Immediately after the Reforms, they used to pay overtime allowances but that has been stopped.

Dr. NALINAKSHA SANYAL: Will the Deputy Speaker be pleased to state what reasons were assigned by Government for stopping these overtime allowances afterwards?

Mr. M. ASHRAFALI: There was a retrenchment committee and that committee advised stopping them.

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. Clause (*c*) of the question has not been answered.

Mr. SPEAKER: The working hours of Government offices are known to all.

Defilement of sacred temple at Rupnai in Pabna.

*549. **Babu NARENDRA NARAYAN CHAKRABARTY:** (*a*) Has the attention of the Hon'ble Minister in charge of the Home Department been drawn to the cases of defilement of sacred places of worship and Hindu deities at Rupnai, a village in the district of Pabna?

(*b*) Is the Hon'ble Minister aware—

(*i*) that some Muhammadans prevented the Hindu public from observing their *Chait Sankranti* festival on the ground where usually the said festival is held every year;

(*ii*) that some persons subsequent to this event broke and removed the local Kali image and the temple;

(*iii*) that the temple was subsequently razed to the ground and tilled; and

(*iv*) that the Hindus were molested when they came to resist?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the place of occurrence was visited by the local Police Superintendent?

(*d*) If so, did he hold any enquiry?

(*e*) If so, with what result?

(*f*) If no enquiry was held by the Police Superintendent into the matter, will the Hon'ble Minister be pleased to state the reason therefor?

(*g*) Will the Hon'ble Minister be pleased to lay on the table a statement showing for the last three years the number of cases of such defilement of sacred places of Hindu worship and reported defilement of deities in the district of Pabna?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No. An attack is alleged to have been made on the *Charak Gach* at Rupnai by some Muhammadans from the neighbouring villages while it was being taken to the Puja ground on the 14th April, 1939. A case was instituted under sections 147/295, I. P. C., against those believed to have been responsible and it is now *sub judice*.

(*b*) (*i*) This is the allegation but the case is *sub judice*.

(*ii*) to (*iv*) No.

(*c*) and (*d*) Yes.

(*e*) The submission of a charge sheet under sections 147/295, I. P. C.

(*f*) Does not arise.

(*g*) Statements are laid on the table.

Statement referred to in the reply to clause (g) of starred question No. 549.

	Place of occurrence.	Remarks.
	1936.	
1.	Ullapara Kalibari Bazar, police-station Ullapara.	Defiled deities.
2.	Shuri-Dhupotia, police-station Ullapara	Ditto.
3.	Sonatala Hatkhola, police-station Ullapara.	Ditto.
4.	Kochiamora, police-station Pabna ..	Ditto.
5.	Naduria, police-station Atgharia, ..	Ditto.
	1937.	
1.	Babuldaha, police-station Ullapara ..	Place of worship defiled.
2.	Nandalalpur, police-station Shahzadpur	Ditto.
3.	Khamar, police-station Ullapara ..	Deities were defiled. (The image was stolen.)
4.	Shohagpur, police-station Belkuchi ..	Deities were defiled.
5.	Bornia, police-station Shahzadpur ..	Ditto.
6.	Khamar, police-station Ullapara ..	Ditto.
7.	Naoda Salua, police-station Raiganj ..	Ditto.
8.	Tamai, police-station Belkuchi ..	Ditto.
	1938.	
1.	Bharera, police-station Pabna ..	Place of worship was defiled and the image was stolen.
2.	Raghunathpur-Ataikula, police-station Sauthia.	Deities were defiled.
3.	Shahpur, police-station Sadar ..	Ditto.
4.	Satberia, police-station Ullapara ..	Ditto.

Statement referred to in the reply to clause (g) of starred question No. 549, showing image defilement cases occurring in Pabna district during the year 1939, up to the end of June.

Serial No.	Cases reported with P. S. Case No. and with brief description of the structure in which the image was kept.	If charge sheet submitted, give number of persons, etc., and result of trial.	Brief details of detection.	If F. R. submitted, state whether any clue obtained or any suspicion attaches.	Remarks.
1	2	3	4	5	6
1	Ullapara P. S. Case No. 6, dated 26-1-39, under section 295, I. P. C. Temporary tin shed was constructed inside the railed in compound of the Ullapara School in which image of Saraswati was kept.	....	....	F. R. T. submitted. No body could be reasonably suspected.	
2	Chowhali P. S. Case No. 1, dated 3-4-39. The structure is a mat roofed shed, with fencings on three sides and a bamboo *chegar* (removable fence) in front, situated in a field in the east of Kanda-Ghorjan village.	....	....	F. R. T. submitted. Two Muhammadans—Anath Shaikh and Natibulla Shaikh were suspected. There were two Hindu parties in the village. It was suspected that one party got the image broken by the above-noted Muhammadans in order to put the other in trouble.	

Serial No.	Cases reported with P. S. Case No. and with brief description of the structure in which the image was kept.	If charge sheet submitted, give number of persons, etc., and result of trial.	Brief details of detection.	If F. R. submitted, state whether any clue obtained or any suspicion attaches.	Remarks.
1	2	3	4	5	6
3	Shahazadpur P. S. Case No. 5, dated 16-4-39, under section 295, I. P. C. Occurrence on public path at Rupnai by which a *Charak* tree was being carried by the Hindus to the *Mela* ground on the afternoon of 14-4-39, the day of *Charak Puja*.	Charge sheet has been submitted against four persons under sections 147/295, I.P.C.:— (1) Akbarali Munshi. (2) Ashanali Khalifa. (3) Taisal *alias* Tasimuddin Munshi. (4) Hossainali Pramanik.	....	....	The case is *sub judice*.
4	Serajganj P. S. Case No. 16, dated 22-4-39, under sections 295/380, I. P. C., village Panch-Thakuri. The structure is a tin *chapra* (flat roofed) with fencings on three sides except in front, in which the image of Saraswati was retained after worship.	....	....	F. R. T. submitted. No clue was obtained.	

5	Serajganj P. S. Case No. 17, dated 22-4-39, under sections 295/380, I. P. C. The structure is a tin *chapra*, with fencings on three sides and a broken bamboo *chegar* on the front, in village Simla, where the image of Kali was kept.	....	....	Ditto.	
6	Kazipur P. S. Case No. 8, dated 25-4-39, under section 295, I. P. C., village Jhunkoil. The structure is a tin *chapra* on the road side with jute sticks fencing on three sides and a low bamboo *chegar* in front.	....	....	Ditto	
7	Kazipur P. S. Case No. 9, dated 25-4-39, under sections 457/380/295, I. P. C., village Bir Subgacha. The structure is a mat roofed shed with the fencing on three sides and a bamboo *chegar* in front in which the Goddess Sitala was kept.	....	....	Ditto.	

Serial No.	Cases reported with P. S. Case No. and with brief description of the structure in which the image was kept.	If charge sheet submitted, give number of persons, etc., and result of trial.	Brief details of detection.	If F. R. submitted, state whether any clue obtained or any suspicion attaches.	Remarks.
1	2	3	4	5	6
8	Kazipur P. S. Case No. 10, dated 25-4-39, under sections 457/380/295, I. P. C., village Bir-Subgacha. The structure is a mat roofed shed with fencings on three sides and a bamboo *chegar* in front in which the image of Kali was kept.	....	....	F. R. T. submitted. No clue was obtained.	
9	Sirajgunj P. S. Case No. 23, dated 25-4-39, under sections 457/380/295, I. P. C., village Kuralia. The structure is a mat roofed shed with jute stick fencings on three sides and a bamboo *chegar* in front in which the image of Kali was kept.	....	....	Ditto.	

10	Chowhali P. S. Case No. 9, dated 25-4-39, under sections 380/295, I. P. C., village Katarbari. The structure has corrugated tin roof with mat walls on three sides and a bamboo *chegar* in front. The image of Kali was kept there.	....	....	Ditto.	
11	Kazipur P. S. Case No. 12, dated 26-4-39, under sections 380/295, I. P. C., village Gandhail. The structure is a corrugated tin roofed shed, with jute stick fencings on three sides and a bamboo *chegar* in front, in which the image of Kali was kept.	....	....	Ditto.	
12	Sirajganj P. S. Case No. 28, dated 27-4-39, under sections 457/380/295, I. P. C., village Sarotia. The structure is a mat roofed shed, with fencings of jute sticks on three sides and a bamboo *chegar* in front, in which the image of Kali was kept.	....	....	F R. T. submitted. It was suspected that four Muhammadans, viz., (1) Abdul Hamid, (2) Nural Haque, (3) Budhu Sarker and (4) Asu Sarker, who were picketing the Muhammadan audience from going to the stage of a theatre on the night of occurrence, might have had a hand in the affair.	

Serial No.	Cases reported with P. S. Case No. and with brief description of the structure in which the image was kept.	If charge sheet submitted, give number of persons, etc., and result of trial.	Brief details of detection.	If F. R. submitted, state whether any clue obtained or any suspicion attaches.	Remarks.
1	2	3	4	5	6
13	Sirajganj P. S. Case No. 29, dated 27-4-39, under sections 457/380/295, I. P. C., village Gachabari. The structure is a tin-roofed shed, with tin fencings on three sides and a bamboo *chegar* in front, in which the image of Kali was kept.	....	....	F. R. T. submitted. The four men named above were suspected on the same grounds.	
14	Chowhali P. S. Case No. 10, dated 29-4-39, under section 295, I. P. C., village Naohata. The structure is a tin *chapra*, with fencings on three sides and a bamboo *chegar* in front, in which the image of Kali was kept.	....	....	F. R. T. submitted. No clue was obtained.	

15	Sirajganj P. S. Case No. 32, dated 30-4-39, under sections 380/295, I. P. C., village Brahmonboyra. The structure is made of tin with fencings on three sides and a bamboo *chegar* in front. The images of Hari and Lakshmi were kept in it.	....	....	Ditto.
16	Belkuchi P. S. Case No. 2, dated 1-5-39, under section 295, I. P. C., village Delua. The structure is a mat roofed shed with fencings on three sides and a bamboo *chegar* in front. The image of Sitala Devi was kept there.	....	....	F. R. T. submitted. The wife of a Muhammadan neighbour was suspected, as there had been a quarrel between the two households.
17	Sirajganj P. S. Case No 2, dated 3-5-39, under sections 457/380/295, I. P. C., village Dhitpur. The structure is thatched hut with fencings on three sides and a bamboo *chegar* in front. The images of Hari and Radha were kept there.	....	..	F R. T. submitted. No clue was obtained.

Serial No.	Cases reported with P. S. Case No. and with brief description of the structure in which the image was kept.	If charge sheet submitted, give number of persons, etc., and result of trial.	Brief details of detection.	If F. R. submitted, state whether any clue obtained or any suspicion attaches.	Remarks.
1	2	3	4	5	6
18	Bera P. S. Case No. 2, dated 3-5-39, under sections 448/295, I. P. C., village Panchuria. The structure is the kitchen of a Hindu widow. The head and backbone of a dead cow had been thrown into it.	....	....	F. R. T. submitted. It was suspected that one Atul Chandra Sarker of the village, who is the widow's nephew by relation and who had enmity with her, did this to drive away the widow from the *bari*.	
19	Ullapara P. S. Case No. 7, dated 12-5-39, under sections 147/148/295, I. P. C., village Amdanga. The occurrence took place in an open Mondap in front of a tin-roofed Kali *ghar*.	Charge sheet has been submitted against 26 persons under sections 147/148/149/295, I. P. C. The case is *sub judice*.	....	The Muhammadan volunteers came to take away the Muhammadan audience from the musical party. There was some scuffle and a stampede, and some of the audience took shelter in the Kali *ghar*. No damage was done to the images, nor were any Hindus molested.	

20	Kazipur P. S. Case No. 2, dated 14-5-39, under section 295, I. P. C., village Singrabari. The structure has a thatched roof, with fencings on three sides and a bamboo *chegar* in front, in which the image of Saraswati was kept.	....	....	F. R. T. submitted. 11 Muhammadans and 4 Hindus were suspected. There was a dispute over a fishery between the Malos and Namasudras, and the local Muhammadans sided with one party, or the other.	
21	Faridpur P. S. Case No. 8, dated 26-5-39, under section 295, I. P. C., village Bilbakri. The structure is a *kutcha* shed by the side of the Baral River, closed on all sides with mat walls except an open door, through which anybody can have entrance inside.	....	....	F. R. T. submitted. No clue was obtained.	

Serial No.	Cases reported with P. S. Case No. and with brief description of the structure in which the image was kept.	If charge sheet submitted, give number of persons, etc., and result of trial.	Brief details of detection.	If F. R. submitted, state whether any clue obtained or any suspicion attaches.	Remarks.
1	2	3	4	5	6
22	Sirajganj P. S. Case No. 3, dated 3-6-39, under section 295, I. P. C., Baniaputti in Serajganj town. The structure is a corrugated tin shed with fencings on all sides with wooden door in front. It has an open verandah. The windows have iron bars and they remained open on the night of occurrence.	....	....	The jaw bone of a cow was found on the verandah and a cow's head was found on the ground below the verandah. It transpired during the investigation that pariah dogs often spend their nights on the open verandah. The possibility of the cow bone having been dragged there by such dogs cannot altogether be discounted.	

23	Santhia P. S. Case No. 6, dated 10-6-39, under section 295, I. P. C., village Sonatala. The structure is a corrugated iron shed, with fencings on three sides and a bamboo *chagar* in front, in which the images of Kali, Saraswati and other dieties were kept.	....	....	....	F. R. T. ordered. No clue was obtained.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় ৪নং উত্তরে "no" বোলেছেন। কিন্তু মন্ত্রী মহাশয় কি জানেন যে ঐ দিন রূপনাইতে কতিপয় অহিন্দু ব্যক্তি কালীর ঘরের মধ্যে ঢুকে পূজার জিনিষ পত্র নষ্ট কোরে ফেলেছিলো এবং সেই ঘরে বোসে নমাজ পোড়েছিলো।

The Hon'ble Khwaja Sir NAZIMUDDIN: This is absolutely incorrect. I have made careful enquiries in this matter. The investigations have been made by the Superintendent of Police who is a Hindu gentleman and the statement made by the honourable member is absolutely incorrect.

Babu NARENDRA NARAYAN CHAKRABARTY: আমি দেখছি স্যর, আমার জিজ্ঞাস্য প্রশ্নের উত্তর দেওয়া ছাড়াও মাননীয় মন্ত্রী মহাশয় নিজ থেকে তিন বছরের যে বিবৃতি দিয়েছেন তা থেকে এ কথা অনায়াসেই বোঝা যায় যে পাবনার সাম্প্রদায়িক সমস্যার দরুণ স্থানীয় লোকেরা খুব চিন্তিত হোয়ে পোড়েছে? মাননীয় মন্ত্রী মহাশয় কি অনুগ্রহ কোরে জানাবেন ১৯৩৭ সনের পর থেকে পাবনা জেলায়, বিশেষ কোরে সিরাজগঞ্জ অঞ্চলে সাম্প্রদায়িক বিদ্বেষ এতটা মাথা চাড়া দিয়ে ওঠেছে কেন?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am afraid the honourable member's assumptions to my replies are absolutely incorrect. The incidents referred to in Pabna and Serajganj are nothing new, and incidents of this kind have been common in Pabna and Serajganj for the last 20 years. District Magistrates who had served there 15 or 20 years ago had heard complaints of such incidents. As regards the reason, I would refer the honourable member to a communiqué which was published some time ago with reference to certain questions which were put to me either in this House or in the other place. As far as the recent incidents of 1939 are concerned, I would say that the tension of feeling in Serajganj and Pabna is largely due or rather originated to a certain extent in a lightning tour conducted by the honourable member who has asked this question. He had 12 meetings there in which he attacked the Government, criticised the Muslim League as having slave mentality and so on and so forth. As a direct result a counter-propaganda was carried on and this has led to the tension of feeling or had led to the feeling of bitterness, and I am glad to inform the House that as far as that tension of feeling is concerned, it has to a very large extent subsided and what is more, the amount of excitement which is supposed to be created from what appears in the papers does not exist in the locality itself and most of these would not have been heard but for the fact that there are some people who make it a point to send these incidents to the papers to magnify them.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় কি অবগত আছেন যে আব্দুল রসিদ তর্কবাগীশ নামধেয় জনৈক হিন্দুধর্মাবলম্বিত মুসলমান বিগত তিন বৎসর যাবৎ ক্রমাগত পাবনা জেলায়, বিশেষতঃ সিরাজগঞ্জ অঞ্চলের প্রতি গ্রামে গ্রামে হিন্দু-বিদ্বেষসূচক বক্তৃতা দ্বারা এই অবস্থার সৃষ্টি কোরেছে?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think it is entirely correct. He has been making speeches at first as a Krishak Proja worker and now as a Muslim League worker.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় কি জানেন এই তর্কবাগীশ গত flood-relief এর সময় গভর্ণমেণ্ট কর্তৃক relief এর কাজের জন্য ৫০৲ টাকা মাইনেতে নিযুক্ত হোয়েছিলেন, এবং যে relief work এর জন্য তিনি নিযুক্ত হোয়েছিলেন সে সম্পর্কে কোন কাজ না কোরে গ্রামে গ্রামে ঘুরে কেবল হিন্দু-বিদ্বেষ প্রচার কোরেছেন?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় কি স্বীকার কোরবেন যে এই তর্কবাগীশ আব্দুল রসিদ রাজসাহী জেলার নাটোর সাব-ডিভিসনে ধর্ম্ম-বিদ্বেষ প্রচার করার দরুণ গ্রেপ্তার হোয়েছিলো, এবং স্বয়ং স্বরাষ্ট্র সচিবই টেলিগ্রাম পাঠাইয়া তাকে খালাস কোরেছিলেন?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state with reference to the incidents catalogued in his answer how many of these incidents had taken place before the tour of the honourable member of this House and how many after his tour?

The Hon'ble Khwaja Sir NAZIMUDDIN: The tour of the honourable member started from the last week of December, 1938, and lasted till the first week of January, 1939. I would refer the honourable member to my replies in the statement with reference to the dates of the occurrences mentioned there.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the District Magistrates posted in the district during that period took any steps whatsoever or thought it necessary to take any steps whatsoever either against the honourable member here or against the person who has been mentioned by the honourable member as creating communal bitterness in the district.

The Hon'ble Khwaja Sir NAZIMUDDIN: I don't think that the speeches of the honourable member came within the purview of the law.

Mr. NIHARENDU DUTTA MAZUMDAR: Perfectly legal and legitimate.

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly, but the result of these speeches was to excite communal bitterness.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state—if his answer means that the District Magistrates concerned were incompetent to maintain communal amity and peace in the district?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: In view of the state of things in Pabna which has been in existence for the last 20 years, will the Hon'ble Minister be pleased to state how is it consistent when he imputes the allegations to an honourable member here who has not been in the field for more than 8 years and who was in prison?

The Hon'ble Khwaja NAZIMUDDIN: I am awfully sorry that the honourable member either has misunderstood me or has not been able to follow what has been the purport of the question. There are two things lying behind this question. One is the defilement of images and deities and the other is communal tension in the subdivision. While the question of the defilement of images and deities is nothing new to the subdivision or the district and has been a subject-matter of controversy and occurrences of that kind have been common in that district for the last 20 years, the communal tension is of quite a recent origin.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় আমার পূর্ব্বেকার এক প্রশ্নের উত্তরে বোলেছিলেন যে বিগত ডিসেম্বর মাসের শেষভাগে ও জানুয়ারী মাসের প্রথম ভাগে আমি পাবনা জেলায় যে সমস্ত বক্তৃতা দিয়াছিলাম সে সমস্ত বক্তৃতার অনুলিপি সংগ্রহের জন্য কলিকাতা থেকে দুজন অনুলিপিকার পাঠিয়েছিলেন—এবং এটা কি সত্য যে——

Mr. SPEAKER: That question does not arise.

Babu NARENDRA NARAYAN CHAKRABARTY: আমি বোলতে চাইছি যে আমার যে বক্তৃতা সম্বন্ধে মন্ত্রী মহাশয় অনুযোগ করেছেন সেই বক্তৃতা ছয়টীর অনুলেখন গভর্ণমেণ্ট কর্ত্তৃক সংগৃহীত হোয়েছে। তার ভিতর থেকে মন্ত্রী মহাশয় কি একটী লাইনও বের কোরতে পারবেন যা নাকি মুসলমানের প্রতি বিদ্বেষসূচক?

The Hon'ble Khwaja Sir NAZIMUDDIN: An attack on the Muslim League as having a slave mentality is bound to be resented by the Muslim community.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state if there was any word in the speech of the honourable member for that constituency, Babu Narendra Narayan Chakrabarty, which could be construed as anything said against the religious faith of any community?

The Hon'ble Khwaja Sir NAZIMUDDIN: Neither the speaker on this side nor the speaker on the other side attacked the religious faith, but it is the political controversies which are now being taken up by the partisans of one side or the other.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state if there was nothing in the speeches of Babu Narendra Narayan Chakrabarty to excite religious hatred, then is it the policy of the Government which is responsible for these incidents?

Mr. SPEAKER: That question does not arise.

Sj. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that Dharmantharita Tarka Bhageesh was expelled from the Serajganj subdivision some four years back under section 144, Criminal Procedure Code, by the Subdivisional Officer, Serajganj, for preaching hatred against the Hindu religion?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether the Muslim League is a political organization or a religious organization?

The Hon'ble Khwaja Sir NAZIMUDDIN: A political organization.

Defilement of Kali Mandap of Baniaputty in Serajganj.

***549A. Babu NARENDRA NARAYAN CHAKRABARTY:** (*a*) Has the attention of the Hon'ble Minister in charge of the Home Department been drawn to the fact that the Kali Mandap of Baniaputty in Serajganj town has been defiled on or about the 2nd of June last by the placing of fresh cow bones?

(*b*) Is the Hon'ble Minister aware—

(*i*) that this is one of a number of continuous incidents in the subdivision of Serajganj; and

(*ii*) that there exists a feeling amongst the Hindus in general that their religious sentiments are being wounded?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether Government have taken any steps in the matter; and

(*ii*) what do the Government propose to do to prevent a recurrence of such incidents?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) It was reported at the thana at 11 a.m. on the 3rd of June last that the jaw bone of a cow was found lying on the open verandah of the Kali temple and the head of a cow was found lying on the ground below the verandah.

(*b*) (*i*) There have been several incidents in April and May, 1939, but this incident cannot be said to be in continuation of them.

(*ii*) Some feeling of this kind appears to exist in the minds of the Hindus of the neighbourhood in which such incidents took place.

(*c*) (*i*) Thorough investigation under proper supervision has been made in each case, and steps have been taken to guard against the recurrence of such incidents.

(*ii*) Necessary steps are being taken to maintain communal amity, to preserve law and order and to punish offenders.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state what are the steps which are being taken to maintain communal amity?

The Hon'ble Khwaja Sir NAZIMUDDIN: The District Magistrate has approached the leading men of both the communities and impressed upon them the necessity of delivering speeches and issuing pamphlets to bring about communal amity.

Mr. SARAT CHANDRA BOSE: Have any pamphlets been issued.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

UNSTARRED QUESTION

(answer to which was laid on the table)

Sub-letting of spare rooms of Government Commercial Institute Buildings to outsiders.

267. Maulvi ABDUL LATIF BISWAS: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) how many rooms are there in the Government Commercial Institute; and

(*ii*) how many of them are actually required for the institution purpose?

(*b*) Is the Hon'ble Minister aware that some 6 or 7 rooms of the said building on the ground floor have been sub-let by the Head Clerk and the durwans to outsiders?

(*c*) If so, was the amount of rent deposited into the Government Treasury?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) Nineteen.

(*ii*) All.

(*b*) No room on the ground floor is or has ever been sub-let to any outsider.

(*c*) Does not arise.

Khan Bahadur MOHAMMED ALI: With reference to answer (*a*)(*i*), will the Hon'ble Minister be pleased to state if this number includes the rooms in the outhouses?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Adjournment Motion.

Rai HARENDRA NATH CHAUDHURI: Sir, I have given notice of a motion that the business of the Assembly do adjourn for the purpose of discussing a definite matter of urgent public importance, namely, the hunger-strike by a large number of convicted political prisoners in the Dum Dum and Alipore Central Jails occasioned by the failure of the Government to expedite and effect the release of such prisoners.

Mr. SPEAKER: This adjournment motion has been tabled by Rai Harendra Nath Chaudhuri and has not been disallowed by me under the rules. The motion is to raise a discussion on a definite matter of urgent public importance, namely, the hunger-strike by a large number of convicted political prisoners in the Dum Dum and Alipore Central Jails occasioned by the failure of the Government to expedite and effect the release of such prisoners.

I hold the motion to be in order and ask whether there is any objection to the leave of the Assembly being given to it.

Mr. S. A. SALIM: Sir, I object to the leave being granted.

Mr. SPEAKER: As objection has been raised, I would ask those members who support the motion to rise in their places.

(Pause.)

As more than fifty members have signified their assent, I fix 6 p.m. this afternoon for taking up the adjournment motion.

Message from the Bengal Legislative Council.

The Secretary then read the following message received from the Bengal Legislative Council: The Council at its meeting held on the 28th June took into consideration and agreed to the further amendments made to the Bengal Tanks Improvement Bill, 1939, by the Bengal Legislative Assembly on the 21st of April, 1939.

GOVERNMENT BILL.

The Bengal Agricultural Produce Markets Bill, 1939.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to introduce a Bill to provide for the registration and regulation of markets for agricultural produce in Bengal.

(The Secretary then read the short title of the Bill.)

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg also to move that the said Bill be circulated for the purpose of eliciting opinion thereon by the 31st of October, 1939.

Sj. NARENDRA NATH DAS GUPTA: Sir, I beg to move that in the motion of the Hon'ble Mr. Tamizuddin Khan for the figure and words "31st of October" the figure and word "20th November" be substituted.

Mr. MIRZA ABDUL HAFIZ: Sir, I beg to move that in the motion of the Hon'ble Mr. Tamizuddin Khan for the figure and words "31st of October" the figure and word "15th October" be substituted.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I would like to say that both the motions seem to be unnecessary. So far as Sj. Narendra Nath Das Gupta's motion is concerned, that will put the Government in a difficult position, because the intention of the Government is that the Bill will be referred to a Select Committee and passed, if possible, at the next session of the Assembly.

Babu NAGENDRA NATH SEN: When does the next session take place?

The Hon'ble Mr. TAMIZUDDIN KHAN: The next session will probably take place in November next, but Government have not yet come to a decision on the point. Therefore, if the Bill be circulated for the purpose of eliciting opinion thereon by the 31st of October, we can get the Bill passed at the next session. I also think, Sir, that the amendment of Mr. Mirza Abdul Hafiz is unnecessary, for 15 days' difference will not give any particular advantage to the mover. So, I oppose both the motions.

At this stage the motions of both Sj. Narendra Nath Das Gupta and Mr. Mirza Abdul Hafiz were witdrawn by leave of the House.

The motion of the Hon'ble Mr. Tamizuddin Khan that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st of October, 1939, was then put and agreed to.

Mr. SPEAKER: I would now like to adjourn the House till 6 p.m.

Dr. NALINAKSHA SANYAL: Sir, before you adjourn the House, may I know the fate of my special motion?

Mr. SPEAKER: It will be taken up with the Privilege Bill.

Dr. NALINAKSHA SANYAL: In that case there will be a notice required.

Mr. SPEAKER: In any case I would request the members of the Rules Committee to meet me in my chamber.

The House was then adjourned till 6 p.m.

After adjournment.

Adjournment Motion.

On Hunger Strike by Political Prisoners in Dum Dum and Alipore Central Jails.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg to move that the business of the House do adjourn for the purpose of discussing a definite matter of urgent public importance and of recent occurrence, namely, the hunger-strike by the convicted political prisoners in the Dum Dum and Alipore Central Jails occasioned by the failure of the Government to expedite and effect their release.

Sir, it is with a profound sense of regret that I rise to move this motion. I share the public regret, the regret of the man in the street, that such a situation should arise——

Mr. KIRAN SANKAR ROY: On a point of order, Sir. Is it not necessary that the Hon'ble the Home Minister should be here now to listen to the debate?

Mr. SPEAKER: He is there. (Laughter.)

Rai HARENDRA NATH CHAUDHURI: Sir, as I was telling you, I share the public regret, the regret of the man in the street, that such a situation should come about after the announcement of the Government policy of release or "reasoned clemency", whatever it may be, nearly two years before.

Sir, the other day when the Hon'ble Sir Nazimuddin announced that there was a hunger-strike by the political prisoners in the Dum Dum Jail, we expected that he would at least in his statement make out a case why Government could not release the large number of prisoners that were still rotting in jail even two years after the announcement of the Government policy of release. But, Sir, Sir Nazimuddin did not confine himself to that issue. He rather expatiated on matters which were altogther irrelevant to the issue of the present hunger-strike. Again, his statement is open to the serious objection that it presents the question of release from a false perspective, as I should say. The question of release, as all of us are aware, is a question coeval with the introduction of the present Reforms. People thought that there would be a wholesale release of political prisoners on the inauguration of the new Reforms, as there was a general amnesty in 1920 on the introduction of the Montague-Chelmsford Reforms. But, Sir, that did not happen, and because that did not happen, therefore all the political parties in this country contested the general election of 1936 making a prominent

mention of the release of political prisoners as one of the chief items in their election manifestos. The Congress Party no doubt gave it a very prominent place. So did some of the other parties such as the Krishak Proja Party. The Coalition Party or the Muslim League, as I should say, also demanded the release of the political prisoners though in a qualified form. Therefore, Sir, it may very well be said that in coming to work the present Reforms it was agreed by all political parties in this country that there should be release of political prisoners. And I am sure, Sir, I am not misinterpreting the policy and programme of parties other than the Congress Party, at any rate of the party—the Coalition Party—now in power.

Sir, speaking before this House on the 9th August, 1937, our Chief Minister said: "It is true, Sir, that the election manifesto of the Proja Party contained a clause about the release of political prisoners, a policy to which I still adhere, a policy which has been accepted by our Government." Proceeding he said: "In the manifesto of the Coalition Party there was a clear declaration that the release of political prisoners must be effected consistent with public safety." Then he further proceeded to say: "There was the phrase 'consistent with public safety.' I want to tell this House that there is nothing wrong in that reservation." Further on he said: "We are prepared not merely to give effect to a policy of release, but we can declare most solemnly that we are prepared to interpret the expression 'consistent with public safety' as generously and as liberally as possible. After all, we are not out of sympathy with our own countrymen."

That was an announcement not unlike one from the Congress Benches, but made by the Chief Minister—by the Leader of the Coalition Party—the Government Party. Now, Sir, what did the Government do to implement that large promise—the policy and programme of their own party? They did, Sir, precious little so far as the long-term prisoners were concerned. When most of these prisoners went on hunger-strike in the Andamans just two years ago, there was a great agitation all over the country. On the intercession of Mahatma Gandhi and men like Dr. Rabindra Nath Tagore, these prisoners were repatriated. They undertook the hunger-strike putting forward the question of their immediate and unconditional release as one of the main issues. The Government knew that. Yet, Sir, Government did not move in this matter. It was only after Mahatma Gandhi came here early in 1938 that the question received some attention. Still after knocking from door to door and from place to place, begging mercy for these unfortunate prisoners even Mahatmaji did not fully succeed in inducing the Government to agree to immediate and unconditional release of these prisoners. He went away to return in the autumn of 1938 and then, Sir, some agreement was reached, though Mahatma Gandhi and Sir Nazimuddin

could not see eye to eye on all the questions involved in the problem of release. However, Government at that time issued a statement—a *communiqué*—stating its own policy. There also, Sir, Government said that although they were not in favour of immediate and indiscriminate remission of the sentences of all these prisoners, still they were in favour of the exercise of what was stated to be "reasoned clemency" based on careful scrutiny of individual cases. This was the announced Government policy but Mahatma Gandhi so understood the Government position as to assure the prisoners that he believed that they would not have to remain in jail after the 13th of April, 1939. What are we now to think of the Government that did not think of contradicting Mahatma Gandhi at the time? Can they now be suffered to say that Mahatmaji did not understand the Government view? If Sir, the Government then accepted the policy of release as understood by Mahatmaji, certainly they cannot say now that they did not set a time-limit and thus attempt to escape. It was a definite policy of release that the Government accepted—a policy of release, Sir, not again in the case of short-term prisoners, nor again in the case of prisoners not guilty of violent crimes, but a policy of release in the case of prisoners convicted of most serious and violent crimes as well—release irrespective of the nature of offences committed. Government, Sir, formulated this policy so far as the *communiqué* of 25th September, 1938, goes, thus: "Government intend (1) to release forthwith terrorist convicts suffering from serious and continued illness, (2) to release as soon as possible those convicts who have not been convicted of offences involving the actual commission of murder and serious violence and have a comparatively short period of their sentences not in excess of 18 months still to serve," then (3)—and this is most important—"to place the cases of the remaining convicts before an Advisory Committee which will examine them on the individual merits and make such recommendations in each case to Government as it thinks fit. The decision as to the orders to be passed in each case after consideration of the recommendation of te Advisory Committee will rest with Government." Now, Sir, who were these "remaining convicts"? "Of their number, no less tan 167," the Government *communiqué* stated, "have been convicted of offences in which murder or serious violence was committed, or robbery and dacoity." Therefore, Government cannot now rest contented by simply reviling the unreleased political prisoners as so many murderers and cut-throats and implying that they do not deserve release. Government was committed to a policy of release of such prisoners irrespective of the nature of their crimes. Government have taken about a year to consider their cases and they cannot now say that they should not be released forthwith. The public have a right to know why these prisoners who have served much of their sentences imposed in most cases by special tribunals, who have paid much of the penalties imposed on them by law and ordinances—must continue to rot in the jails even

after their declaration of abjuration of violence to the whole world through no less a person than Mahatma Gandhi. Why should Government make it a point that they must serve out their sentences in full? The purpose of penal law in all civilised countries is to reclaim and reform criminals. It is no longer retributive. That purpose, Sir, has gone out of fashion altogether with the development of the moral sense of mankind. In no civilised country Government now compel the long-term prisoners to serve out their full sentences. They rather propound schemes by which prisoners can earn liberal remissions and get their freedom much earlier than the expiry of the terms imposed by courts. I think, every honourable member is aware that even here ordinary life convicts have not to suffer imprisonment and remain in jail for full 20 years, but that they can recover their freedom, by earning remissions under the Jail Code, even in 10 or 12 years. The political prisoners that have gone on hunger-strike have remained in jail for 7 or 8 years if not more. So what point can there be not to exercise clemency in their cases if the policy of Government be one of release? Not only that; I would say, Government by following a policy of release by small batches and imposing unacceptable conditions have driven these prisoners to despair and goaded them to launch a hunger-strike. Sir, you will see from the Government statement that during the last year Government could see their way only to release 60 per cent. of the prisoners, mostly short-term prisoners, while 40 per cent. of the prisoners, the long-term prisoners in particular, still remain in jail. In the circumstances, what can we expect? Can we expect them to hold their souls in patience any more for the exercise of unduly protracted clemency on the part of Government? Surely, Government should take all these factors into consideration and consider that their release is overdue.

Sir, I am not going to answer that part of the Hon'ble Sir Nazimuddin's statement which is a criticism of the Congress representatives on the Advisory Committee. I am sure our Leader will answer that point. But, I will again appeal to Sir Nazimuddin not to take it as a party motion and remind him again that his party is as much committed to the policy of release as the Congress Party, is, of course, if the statement of his Chief can be relied upon.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, we have met here this afternoon under the shadow of a dire calamity. We have received information that 84 persons in the Dum Dum Jail and the Alipore Central Jail have resorted to hunger-strike in order to secure their release. The whole country knows the correspondence that passed between Mahatma Gandhi and the Ministers. A conference was held here in Calcutta between the Ministers as representatives of Government and Mahatma Gandhi and thereafter release followed. Sir, we all know that at the time of the last election each party formulated

certain programmes. The Congress Party formulated a programme, the Krisak Proja Party and other parties also formulated their programmes. This release of political prisoners was one of the most important items in the programme of the Congress Party. It was also one of the items in the programme of the Krisak Proja Samity.

Sir, I do not exactly remember whether the League had the release of political prisoners in its election manifesto. I believe there was an item, but when the Coalition Party was formed, one of the items in its programme was put in as the release of political prisoners consistent with public safety. We all know that a large number of prisoners has been released. Releases by dozes and driblets, I do not think, have been wise on the part of the Government. I remember one occasion when we met at a party meeting with Mr. Fazlul Huq as our leader. There I made a speech——

Mr. SPEAKER: Order, order I hope you will not kindly make any reference to any proceedings of the party meeting.

Mr. M. SHAMSUDDIN AHMED: I am not referring to that particularly in that fashion, but I would say that we appealed to the Hon'ble Mr. Fazlul Huq, and I think possibly the Home Minister also had been there. (A VOICE: Where?) I hope my friends will hold their patience for a while. (Laughter.) It is not a trifling matter; it is not a matter to be laughed at; it is not a party question. You do not realise that the men whom we are talking of are not thieves, are not robbers, are not dacoits. They were struggling to secure the freedom of the country, may be in a quite different fashion. We have also tried to secure the freedom of the country. I was one of those who went to jail. For what? Not for picking the pockets of some members of the Coalition Party, not for doing something else, not for stealing someone's goods, but because we wanted that our brethren should breathe free air as the people of other countries do. Well, Sir, we may differ from the prisoners who are rotting in the Dum Dum and Alipore Central Jails. Methods may be different. They might have resorted to violent methods while we resorted to non-violent methods. The ideal was all the same. We flouted the authority of the Government and we courted arrest. For what? For securing for our country a place in the comity of nations which are freedom-loving like the British and the German who breathe free air. (Laughter.) Please do not laugh! My European friends may laugh. (Shame, shame.)——

Mr. SPEAKER: Order, order. Will you kindly address the Chair?

Mr. M. SHAMSUDDIN AHMED: I am addressing through you my European friends.

Mr. TULSI CHANDRA GOSWAMI: On a point of order, Sir. The honourable members are entitled to address the House through you, and I think it would be a great breach of parliamentary privilege if they were debarred from addressing the House.

Mr. M. SHAMSUDDIN AHMED: My friends are laughing, but do they not know that when they were dominated by the French and Anglo-Saxons, they used to be kicked in the streets of London? They have forgotten that history. They ought to know that we in this country also feel the pinch of slavery and that is why we are fighting for the freedom of our country. Are we to forget the men who did not care a farthing for their lives to secure the freedom of their country? To risk one's life is not a matter of joke, not a matter to be laughed at or to be trifled with. My friends are laughing but to-morrow it might happen that Hitler's threat would stop their laughing altogether. That time may not be very distant. Why rearming is going on in England? Because England wants to retain her freedom and others may not conquer her. If we in this country try to secure the freedom of our country, we become culprits. I cannot understand it. I am really sorry; I am really ashamed that my friends of the Coalition Party are laughing. They may not agree with the violent course of action which the prisoners of the Alipore Central Jail adopted, but all the same they fought for the freedom of the country. (A voice: They are murderers.) My friends, Mr. Speaker, must realise that they would not have been here but for the thousand young men who had shed their blood, but for the millions who had courted jails. Licking the boots won't do. Millions of people have been enfranchised, but this enfranchisement would not have been possible by courting, by oiling or by such other means. It has been snatched from unwilling hands by our brothers, and they have brought this provincial autonomy all over India. Therefore, Sir, what I was going to say even to-day to the Chief Minister and to the Home Minister who is sitting tight there is this that although they have spent 2½ years of the valuable time, they have not been able to create a good atmosphere in this province in spite of the fact that opportunities were offered to them. If they think that the police and the other forces at their command will not be sufficient to cope with the violent activities of these 86 prisoners if they are released to-day, I ask them in all seriousness to visualise the atmosphere that would have been created if all the prisoners who are rotting inside the prison bars were brought together in a particular place in the Dum Dum or Alipore Central Jail and the Chief Minister had gone to their place and told them: "Go to your respective homes and live your lives like good citizens." That opportunity may have been lost for the time being. Even to-day I would appeal to Government, I would appeal to the Hon'ble Mr. Fazlul Huq that this opportunity might be caught hold of. Well, Sir, if these prisoners, when they go out, take recourse to other courses of life, they can be clapped into prisons again in a few

months' time. If the Ministry with all their paraphernalia of the police and everything else cannot cope with the situation, they ought to go out and make room for others who can cope with the position. I therefore very respectfully ask the Ministry to consider very seriously as to what is the difficulty in releasing these prisoners. If you have been able to release so many prisoners within a very short time, why do you take time now. What is the use of taking a bad name? If you want to examine the papers, it is a very simple thing. Put all the papers before certain Judges and tell them to finish these things in a few days' time. Do not say that can be done in batches, driblets, and so on. Neither does it bring good name nor does it bring any credit to the administration. I would appeal once more to Government to save the lives of these young men, so that further serious situation might not be created. It would be prudent if Sir Nazimuddin and the Chief Minister and other Hon'ble Ministers would sit together and consider very seriously as to what they should do. They should not take it as a threat. People do not risk their lives to hold out a threat. I know something of prison life. The prisoners have been suffering for years together. They thought that with the advent of Provincial Autonomy, with the inauguration of new atmosphere, possibly their cases would receive sympathetic consideration in the hands of their brethren.

Therefore, Sir, in all seriousness I would appeal to the Government Benches even now to consider whether they can release all these prisoners who have resorted to hunger-strike. I would tell them again that risking life as a matter of threat is not a matter of joke. Therefore, let them consider seriously; let them find out whether they can release all the prisoners in a few days' time so that the lives of those men may be saved and Bengal may get a very good atmosphere for the future good administration of this province.

Babu PRATUL CHANDRA CANGULY: Mr. Speaker, Sir, যারা দমদম জেলে এবং আলিপুর সেণ্ট্রাল জেলে hunger-strike কোরে তিলে তিলে আত্ম-বিসর্জ্জন কোরছেন,—আমি তাঁদের বন্ধু, তাঁরা যদি বিপ্লবী হন, তবে আমিও বিপ্লবী। আজ এই সভায় বিপ্লবীদের murderer বলা হোয়েছে। স্যার নাজিমুদ্দিন সাহেব অনেকবার এই সকল বন্দীদের ordinary criminal দের সঙ্গে নরঘাতি ডাকাতদের সঙ্গে তুলনা কোরেছেন। কিন্তু আমি তাঁকে একটা কথা স্মরণ করিয়ে দিচ্ছি এবং জিজ্ঞাসা কোরছি —মুস্তাফা কামালপাশা কি ছিলেন? তিনিও কি criminal ছিলেন? মাননীয় প্রধান মন্ত্রীমহাশয় মুস্তাফা কামালপাশার মৃত্যুতে তাঁর প্রতি শ্রদ্ধা প্রদর্শনের জন্য স্কুল কলেজ বন্ধ করবার সার্কুলার দিয়েছিলেন। সেই মুস্তাফা কামালপাশা violence কোরেছিলেন? না non-violence করেছিলেন? মুস্তাফা কামালপাশা এদেশে জন্মালে তাঁকেও হয়তো আমাদের রাজবন্দীদের মতই দমদম জেলে বা আলিপুর সেণ্ট্রাল জেলে পোচ্‌তে হতো, হয় তো বা ফাঁসীকাঠেই ঝুলতে হতো এবং স্যার নাজিমুদ্দিন সাহেব নিশ্চই তাঁকে condemn কোরতেন। তারপর ডি, ভেলেরা কি ছিলেন,—আয়র্লণ্ডের মুক্তিদাতা ডি, ভেলেরা কি ছিলেন? তিনি সমস্ত বিপ্লবী ছিলেন না? তাঁর সঙ্গে প্রথমে ব্রিটিশ প্রিমিয়ার হ্যাণ্ডসেক্ কোরতে রাজী হন নাই, এবং

বোলেছিলেন যে " murderer এর সঙ্গে হ্যাণ্ডসেক্ কোরবো না।" কিন্তু শেষটায় সেই murderer এর সঙ্গে হ্যাণ্ডসেক্ কোরতে হোয়েছে। জর্জ্জ ওয়াশিংটনও ইংরেজদের বিরুদ্ধে সশস্ত্র বিদ্রোহ কোরেছিলেন কিন্তু এমন ইংরেজ কে আছে যে নাকি আজ জর্জ্জ ওয়াশিংটনকে condemn করে? স্যার নাজিমুদ্দিন জর্জ্জ ওয়াশিংটনকে তো condemn কোরছেন না। (Mr. ABU HOSSAIN SARKAR: সে সাহস নাই) সশস্ত্র বিদ্রোহ ভারতবর্ষে একটা নূতন জিনিষ নয়, এটা এখানে একটা peculiar phenomenon নয়, সশস্ত্র বিদ্রোহ পৃথিবীর সকল জায়গায় হোয়েছে। সব জায়গায়ই স্বাধীনতার যুদ্ধে সশস্ত্র বিপ্লবই একমাত্র উপায় বোলে গণ্য হোয়েছে। একমাত্র ভারতবর্ষেই মহাত্মা গান্ধী non-violence এর দ্বারা স্বাধীনতা সংগ্রামে জয়লাভ করা যায় কি না এই experiment কোরছেন।

দমদম জেলে আর আলিপুর সেণ্ট্রাল জেলে যাঁরা আজ hunger-strike কোরে মোরতে বোসেছেন, তাঁরা কাদের জন্য লড়াই কোরছেন? আপনাদেরই জন্য, সমস্ত ভারতবাসীর জন্য এবং এদেশের সকলের মুক্তির জন্য। এবং আমি বোলতে পারি—অদূর ভবিষ্যতে তাদের বীরত্বের আর স্বদেশপ্রেমের ইতিহাস থেকে আমাদের ভবিষ্যৎ বংশধরেরা inspiration সংগ্রহ কোরবে। (A MEMBER FROM THE COALITION PARTY: নিশ্চয়ই নয়, কখনই নয়) দুঃখের বিষয় আজ তাদের murderer বলা হয়েছে,—আমাদের ভিতর কারো কারো এমন slave mentality রয়েছে যে ঐযে ঐখানে জন কয়েক ইংরেজ বোসে আছে, তাদের খুসী করবার জন্য আমাদেরই দেশের লোক, যারা নাকি আমাদের দেশের মুক্তির জন্যই আত্মোৎসর্গ কোরছেন, তাদের বোলছেন murderer (Mr. ABU HOSSAIN SARKAR: একজন খান সাহেব বোলেছেন)।

স্যার নাজিমুদ্দিন সাহেব, ডেটিনিউ, ষ্টেট্ প্রিসনার্স এবং convicted prisoners সকলকেই এক সঙ্গে একই পর্য্যায়ে ফেলে Government এর policy ও নীতির ব্যাখ্যা কোরেছেন অনেকবার। যদি একই অপরাধে অপরাধী ডেটিনিউ আর ষ্টেট্ প্রিসনারদের মুক্তি দেওয়ার পর দেশে কোন কিছু গোলমাল না হোয়ে থাকে, তাহলে convicted prisoner দের ছেড়ে দিলেই কি দেশময় গোলমাল সুরু হবে? হাজার হাজার ডেটিনিউ তো বাইরে রয়েছে—তার ফলে কারো তো কিছু ক্ষতি হয় নাই। স্যার নাজিমুদ্দিন সাহেব বোলেছেন— State prisoners are the leaders. যদি তাই হয়—আমি নিজে বহুবার state prisoner ছিলাম, যদি আমাকে ছেড়ে দেওয়া যায় তাহলে স্যার নাজিমুদ্দিন সাহেবের মতে, আমাদের যারা follower তাদের জেলে আটকে রাখবার কি উদ্দেশ্য থাকতে পারে? স্যার নাজিমুদ্দিন এর আগে একবার এই সকল বিপ্লবীদের communal riot এ যারা অংশ গ্রহণ করে—তাদের সঙ্গে এক শ্রেণীর বোলে উল্লেখ কোরেছেন। communal riot এ যারা part নেয় সেই সব fanatics আর স্বদেশ প্রেমিকদের প্রভেদ বোঝবার ক্ষমতা পর্য্যন্ত গভর্ণমেণ্ট বেঞ্চে বোসে তিনি হারিয়ে ফেলেছেন। আমার অনেক সময়ই মনে হয় গভর্ণমেণ্ট বেঞ্চে উপবিষ্ট মন্ত্রীগণ কি প্রকৃতই আমাদের দেশের লোক, না সেই আগেকার আমুলের মিঃ বেণ্টলি প্রেষ্টিস্ প্রভৃতির দল? (A MEMBER FROM THE CONGRESS: তাদেরই প্রেতাত্মা।) আমি জিজ্ঞাস্য করি আজ যদি ভারতবর্ষ সশস্ত্র বিপ্লবের দ্বারা স্বাধীন হয়, তাহলে কি স্যার নাজিমুদ্দিন সাহেব, মাননীয় ফজলুল হক্, স্যার বিজয় প্রসাদ সিং রায়, প্রভৃতি মন্ত্রীগণ জাহাজে চেপে ইংরেজদের সঙ্গে বিলাতে চোলে যাবেন, না, এই দেশেই বাস কোরবেন? (A MEMBER FROM THE COALITION PARTY: আপনারাই থাকবেন আমরা চোলে যাবো।) এমনো হয়। ইতিহাসে এর দৃষ্টান্ত আছে। দেশদ্রোহীদের অপরাধের এমনভাবে বিচার হয় যে তারা তখন দেশ ছেড়ে চোলে যায়। আজ আপনাদের

ভবিষ্যৎ বংশধরদের দিকে চেয়ে আপনাদের বুকে সাহস সঞ্চয় কোরে আজ যারা নাকি সমস্ত দেশের মুক্তির জন্য সংগ্রাম কোরছে তাদের মুক্তি আপনারা দিন। তাদের আজ মুক্তি দিয়ে, আপনাদের সাহস থাকে তো দেশের স্বাধীনতা যুদ্ধে অগ্রসর হোন। এই যে মন্ত্রীত্ব যা নাকি ইংরেজের অনুগ্রহের মন্ত্রীত্ব, তাদেরি ভোটের জোরের মন্ত্রীত্ব; দেশের মুক্তিকামীদের এইভাবে দাবিয়ে রেখে এই মন্ত্রীত্ব—এই রাজত্ব আর কতদিন আপনারা কোরবেন? এ রাজত্বের নেশা আপনাদের কতদিনে চোলে যাবে? (Mr. ABU HOSSAIN SARKAR : আরো আড়াই বছর পর।)

স্বাধীনতা যুদ্ধের অস্ত্র যুগে যুগে বদলায়। আজ যাঁরা রাজ্য পরিচালনা কোরছেন তাঁরা এখানে মিথ্যা terrorism এর দোহাই দিয়ে বিপ্লবী বন্দীদের আটকে রেখেছেন, terrorism বোলে কোন বস্তু এদেশে নাই,—কোন দিন ছিলো না। এবং এদেশী বিপ্লবীদের ভিতর এমন মূর্খ কেউ ছিলো না, যার ধারণা ছিলো যে একজন দুজন বিদেশীকে murder কোরে ভারতবর্ষকে স্বাধীন করা যাবে। যারা নাকি রাজত্ব পরিচালনা করেন তাদের এই কথাটা বোঝা দরকার। আজ যেখানে গণ-আন্দোলনের সৃষ্টি হোয়েছে, আসন্ন গণ-বিপ্লবের আনুসাঙ্গিক কৃষক ও শ্রমিক আন্দোলনের ভিতর আজ মুক্ত রাজবন্দীর দল ঝাপিয়ে পোড়ছে—মুক্তির বাণী নিয়ে, তার ভিতর terrorism এর কোন কথাই নাই। মিছি মিছি terrorism এর কথা তুলে, যারা দেশের বীর সন্তান, যাদের পূজা করা উচিত, যাদের গৌরবে নিজেদের গৌরবান্বিত বোধ করা উচিত, তাদের কারাগারে আপনারা আটকে রাখবেন? এক্ষেত্রে বিপ্লব অবশ্যম্ভাবী, যে দেশে এই ধরণের মন্ত্রীত্ব দ্বারা রাজ্য পরিচালনা হয়, সে দেশে বিপ্লব অবশ্যম্ভাবী। বিপ্লব হবেই হবে। নৈলে জনসাধারণ কিছুতেই শান্ত হবে না। আপনারা যারা আজ হাসছেন, দেশের বীর সেবকদের প্রতি তাচ্ছিল্য কোরছেন, আপনাদের জায়গায় তারাই দেশবাসীর প্রকৃত প্রতিনিধি হোয়ে এসে বোসবে। এমন দিন আসবেই আসবে।

সর্বশেষে আমি একটা কথা স্পষ্ট কোরে আপনাদের জানাচ্ছি। আমার বন্ধু যারা দমদম জেলে এবং আলিপুর সেণ্ট্রাল জেলে hunger-strike কোরেছেন, তাদের মুক্তির জন্য আমি দয়া ভীক্ষা কোরতে দাঁড়াই নাই, আমি clemency চাইছি না, অনুগ্রহ প্রার্থনা কোরছি না। তারা বহু বৎসর কারাগারে বাস কোরে আসছে এবং আরো বহু বৎসর কারাগার বাসের জন্য প্রস্তুত। আমার মতন লোক যদি ২০ বৎসর কারাগারে কাটাতে পারে, তাহলে যারা নাকি দমদম জেলে আর আলিপুর জেলে রয়েছে তারা আরো বহু বছর জেলেই বাস কোরবে। দয়া ভীক্ষা কোরতে নয়? As a matter of right আমি দাঁড়িয়েছি, যারা নিজেদের বাঙালী বলেন, এই দেশের অধিবাসী বলেন, তারা কোয়ালিশন পার্টির লোকই হোন আর যে কেউ হোন তাদের কাছে আমার এটা হচ্ছে দাবি। দয়া ভীক্ষা নয়। রাজবন্দীদের মুক্তি as a matter of right আমরা চাইছি। গভর্ণমেণ্ট যদি এই দাবি উপেক্ষা করেন তাহলে বিপ্লব আসন্ন হবে। Terrorism এর দোহাই দিয়ে তাদের কারাগারে বন্ধ কোরে রাখা এ একটা প্রোপাগেণ্ডা বিশেষ। দেশের গণ-আন্দোলনকে বিপথে চালিত করবার জন্য, terrorism এর দোহাই দিয়ে যে এদের কারাগারে আটকে রাখা হোচ্ছে, terrorism এর পক্ষে এও একটা প্রোপাগেণ্ডা—যেন আমাদের দেশে terrorism আছে, এখনো চোলছে। এদের সকলকে মুক্ত কোরে দিন। আপনাদের স্বাধীনতার জন্য, আপনাদের মুক্তির জন্য, আপনাদের বংশধরদের স্বাধীনতার জন্যই এরা লড়াই কোরছে।

আর একটা কথা তারা আজ হাঙ্গার ষ্ট্রাইক কোরেছে, এই হাঙ্গার ষ্ট্রাইক জিনিষটা ছেলে খেলার বস্তু বা হেসে ওড়াবার জিনিষ নয়। আজ এখানে যাঁরা আছেন হয়তো একদিনের জন্যও উপবাস তারা অনেকেই করেন নাই। গত ২০ বৎসরের বন্দীজীবনের ভিতর হাঙ্গার ষ্ট্রাইকের অভিজ্ঞতা আমার কিছু আছে। আমি জানি হাঙ্গার ষ্ট্রাইক ছেলে খেলা নয়, তিল তিল কোরে মোরে যাওয়া। সে যে কত বড় একটা ব্যাপার তা অনেকে কল্পনাই কোরতে পারেন না। আমার বিশ্বাস মন্ত্রীসভার পক্ষেও এর গুরুত্ব উপলব্ধি করার ক্ষমতা নাই। কিন্তু আমার এদিককার বন্ধুরা

কারাগারে অনেকেই ছিলেন, তাই তাঁরা দরদের সঙ্গে এ প্রস্তাবটা সমর্থন করেন। আমি বোঝাছি যারা এখনো এদিকে চিন্তা কোরতে আরম্ভ করেন নাই, তারা চিন্তা কোরতে শিখুন। This table will turn আজ যারা অত্যাচারী তাদের যদি সংশোধন না হয়, তারা যদি না শোধরায়, —পৃথিবীর ইতিহাসে যা ঘটেছে, এখানেও তাই ঘটবে। আজ যারা অত্যাচারিত, নিপীড়িত তাদের হাতে রাজত্ব যেদিন আসবে, সেদিন আজ যারা দেশদ্রোহী তাদের বিচার হবে, এবং এই কারাগার তাদেরও ভাগ্যে ঘটবে। যারা এখনো প্রভুত্বের মোহ চান, যারা এখনো বিদেশীর রাজত্ব কায়েম কোরতে চান তাদের এই warning দিচ্ছি যে তাঁদের ভবিষ্যত তাঁরা কিরকম কোরে দেখুন। পুনরায় আমি আমার বন্ধুদের মুক্তির দাবি জানিয়ে আমার কথা শেষ কোরলাম।

Babu PREMHARI BARMA: Mr. Speaker, Sir, I rise to support the adjournment motion moved by Rai Harendra Nath Choudhuri.

(Cries of "to the microphone" from the Coalition Benches.)

Dr. NALINAKSHA SANYAL: May I know, Sir, if the microphone which was purchased at the highest price has been working properly? Would you kindly take note that this House is not satisfied with it?

Mr. SPEAKER: The microphone is perfectly in order; only there has been a mistake in switching on the particular microphone to be used. Often times it happens that what I think to be the second is actually the fourth. So what I think to be necessary is that it should be placed in proper methodical order.

Babu PREMHARI BARMA: Mr. Speaker, Sir, the question of release of political prisoners is a burning question of the day, and there has been countrywide agitation over it. Government also gave assurances to release the political prisoners, but they have not been able to fulfil their promise. It is certainly strange that the present Government of Bengal having given an assurance to Mahatma Gandhi and the people that the Government would release the political prisoners gradually, have failed to keep their promise. This is certainly derogatory to the prestige of a Government which cannot act up to their assurances. Sir, many of the Ministers who are at the helm of the Government promised at the time of their election to their constituencies that they would take steps to relase the political prisoners, but after their election they have totally forgotten their promises at the time of their electioneering campaign. As regards the Scheduled Castes Ministers, they have also a duty to the political prisoners. Because they have come through the Joint electorate, they have a duty to the Scheduled Castes as well as to the other Hindu community in Bengal. The question of the release of political prisoners is not a question of any benefit to any particular community. It is a unanimous demand of the country that the political prisoners should be released. I think,

the public opinion of the Scheduled Castes is not less strong in demanding the release of political prisoners as the public opinion of any other community. And I venture to say without any fear of contradiction that the Scheduled Castes of Bengal also demand the release of political prisoners. I also think that if the Hindu Ministers and the Scheduled Castes Ministers cannot exert their influence on the Cabinet but are only there as puppets, they ought to resign at once because they represent the Hindu community and the unanimous demand of that community is that the political prisoners should be released. If they cannot do that, they ought to be ashamed of being in the Treasury Benches. The Muhammadan Ministers may think that they have been returned to the Assembly by the vote of the Muhammadans, but the Muhammadan public opinion also is in favour of the release of political prisoners. That may not be a public demand on the part of the Muhammadans of Bengal, but it is a fact that no Muhammadan will say that the release of political prisoners is not necessary. The Coalition members may say so, but the Muslim public in the country also want that the political prisoners should be released. I think, Sir, that no amount of appeal to this Government or to the present Ministers will bear any fruit so far as the release of the political prisoners is concerned, because they are interested only in carrying on the day-to-day administration of the country—not in accordance with the wishes of the people of this province but in accordance with their own caprice—I would say not in accordance with the wishes of the people of the country which they claim to represent, but with the wishes of their white masters. I think no amount of agitation in the country or no amount of public opinion will be able to bring the Hon'ble Ministers to their sense of duty of abiding by the wishes of the country until and unless they are dictated by their white masters to do so. This being the case, I think it is useless to make an appeal to these Hon'ble Minsters. I think the best course for the leaders of the country is to find out ways and means by which they can convince the Imperialist Government that until and unless the Imperialist Government changes its policy and releases the political prisoners, it will not be possible for them to carry on smoothly the administration of India. If the Imperialist Government finds that it is not possible for it to keep India satisfied without releasing the political prisoners, then it will certainly order the present Government of Bengal to relase the remaining political prisoners without the least possible delay. I submit, Sir, that it is futile to appeal to the present Ministers to release the prisoners.

With these few words, Sir, I support the adjournment motion that has been moved by Mr. Chaudhuri.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, the subject we are discussing this evening is one of those perennial ones which

give the honourable members opposite a chance of gassing their sentiments and feelings which, so far as I am concerned, leave me cold.

Sir, to talk of *ahimsha paromo dharma*, and in the same breath to come out with the type of speeches with which we have been regaled to-day is a denial of the teachings of the sage whom we all respect and honour for the one great principle he has tried to teach us in this country. (Cries of "Oh! Preaching a sermon" from Congress Benches.) Sir, I do hope that the theatricalities which we have witnessed to-day will not be emulated if we sincerely desire to bring back these misguided boys once more into the fold.

Sir, I am not surprised why this motion is being pressed so vigorously. The simple reason for it is that the rebel section of the Indian National Congress in this House wishes to re-establish itself and regain its lost dignity. It is going against the clear decision given by the Indian National Congress, and supported by Mr. Subhas Chandra Bose, ex-President of the Congress, and by Pandit Jawaharlal Nehru (Mr. KIRAN SANKAR ROY: Who gave you the right to speak on behalf of the Congress?) that hunger-strike was not to be indulged in —that was and is the *fiat*. Now, Sir, to my utter surprise I find honourable members opposite making hunger-strike the cause of bringing forward this adjournment motion. The realities of the situation must be faced and they are that a drowning man catches at the straw. To make political capital out of the misery of these young men in the Dum Dum and Alipore Jails is something which I, as a member of any party in this House, would not be a party to.

Mr. SPEAKER: I am sorry but I think this is the best opportunity for me to adjourn the House for 15 minutes.

(At this stage the House was adjourned for 15 minutes.)

(*After adjournment.*)

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, it is not my intention to take much time of the House as I am told, there are a number of speakers who wish to speak to the motion. I have only one more point to make, Sir, and that is in reference to the speeches of the character and substance, unprecedented even in the history of the party opposite delivered by the supporters of the adjournment motion.

One would have thought, Sir, that having regard to the hundreds of people released, and having further regard to the spirit of friendliness and conciliation shown by the Government of Bengal in the matter of

the release of detenus and political prisoners, even the most stony-hearted men would have been compelled to come out with a compliment acknowledging the generosity shown. Sir, Bengal has released political prisoners and detenus to an extent that if all the other provinces of India were rolled into one and put on one side, we shall exceed them by hundreds. In such circumstances, to accuse this Government of callousness and to abuse it for not showing sympathy even in real and genuine cases is something which should not have been uttered by the honourable members opposite. We, Sir, of the Coalition Party are prepared to take our stand at the bar of public opinion in this country and even outside. We have stood by the pledges we made to our own people in this province and to our fellow-countrymen in India, and we are prepared to accept the judgment of honest-minded people who do not make a political stunt of the unfortunate state of affairs of the character under discussion which, as I have said, even the leaders of that great political organisation—the Congress—have condemned outright.

Sir, many other points were raised during the debate. I shall not refer to them, but I want to appeal to honourable members opposite not to use political clap-trap or make political capital out of the unhappy situation that has arisen. Let them put their heads together with those of the Government and, in circumstances where even the High Command of the Congress orders a course of action different from what the enthusiastic and ill-conceived minds behind this motion for adjournment have contemplated, let them calm down and consider the matter in an amicable, sympathetic and friendly spirit.

Mr. C. MILLAR: Mr. Speaker, Sir, it has appeared to me in the course of this debate that the Opposition partnership is perhaps less consistent than usual, because if I understood the honourable member for the East Bengal Urban Constituency aright, I understood him to say that he had never seriously thought that a campaign of isolated murders would win the freedom of India or contribute materially in doing so; whereas, the honourable the leader of the Krishak-Proja Opposition Party took an entirely different view and extolled these men as men who have been responsible for winning the Reforms. I find it difficult, Sir, to reconcile these two points of view. (A voice from the Congress Benches: You will always find it so!), and I must join issue again with the honourable member for the East Bengal Urban Constituency when he taxes the Government with keeping alive sympathy for the terrorist revolutionary movement by keeping these prisoners in jail. On the contrary, Sir, I believe that the very liberal policy which has been adopted by Government and the immense care which has been given to this most difficult question commands the sympathy of the House and of the public.

On one point we agree most cordially with the point of view which has been put forward from the Opposition Benches, when Rai Harendra Nath Chaudhuri said that a false perspective was cast over this affair. It is not betraying any secret if I say that the Advisory Committee has approached this problem in a spirit of deep anxiety and anxious care. It is not, as was suggested, any simple or trifling matter. It is, on the contrary, a matter in which serious principles are involved and where every single case requires special consideration on its own merits.

There is only one other matter in the speeches which have gone before with which I would like to deal, and that is Mr. Shamsuddin Ahmed's reference to ourselves and our German neighbours across the North Sea. It is always irritating for a speaker when his rhetorical efforts are greeted with laughter and Mr. Shamsuddin Ahmad has my very great sympathy in that respect. (Laughter.) But the position is this: these crimes which were committed are not in the category in which Mr. Shamsuddin Ahmed has placed them. Had they been cases of thousands of men shedding their blood, as he said, we might have had that respect for them which we have, for instance, for the warriors of the North-West Frontier.

But, Sir, these cases are not like that. From the public record I have taken out brief references which describe these cases. They are of this nature: I quote one case of dacoity where two mail peons and four porters were injured. One of the peons was killed, and the judgment is in these words: "the present case is one in which the offenders were utterly merciless, callous and indurated, and at the time of the commission of the dacoity cared naught for the sanctity of life. Helpless mail peons, and coolies unable to defend themselves, were shot at deliberately and intentionally in a spirit of wanton destruction. The shooting too was premeditated and contrived and formed part of a carefully determined design. If there was killing to be done, there was anxiety to do it." Mr. Speaker, Sir, that is the kind of case with which we are dealing. (Mr. NIHARENDU DUTTA MAZUMDAR: Sir, is the honourable member reading out from the record of General Dyer's achievements?) I would quote another case of a raid on a house in a village in Mymensingh. The owner of the house was sick with small-pox. His brother was tied up with a rope and the owner, suffering from small-pox, was beaten and kicked. His widowed sister was dragged by the hair till, in order to save her brother and herself from further torment, she handed over the keys.

Mr. Speaker, Sir, these are not acts of patriotism: these are bestial and disgusting crimes. (Cries of "Shame! Shame" from the Coalition Benches.) These, Sir, are the cases which for months we in the Advisory Committee have been approaching with every desire for

mercy in our hearts; but there comes a time when human conscience revolts against the exercise of clemency where clemency is not deserved.

Dr. SYAMAPRASAD MOOKERJEE: Sir, in the short time at my disposal, I do not propose to dwell at length on the various points arising out of the adjournment motion. But, Sir, I would make an immediate reference to the remarks which have been made by the speaker just preceding me. I think, it will be a rather delicate matter to go into the details of the acts of violence which were done by such persons as those whose cases are now under consideration. Sir, if we are to consider the nature of the acts perpetrated by persons not in this country, but in all parts of the world, particularly by nations which claim to-day to have reached the highest pinnacle of civilization, I believe, much worse accounts of brutalities might be read out by every one of us in relation to happenings in Europe and in other countries. When bombs are thrown by British aeroplanes even in the much-talked of North-West Frontier Province, you do damage and injure people and children as innocent as those whose cases have been read out by Mr. Curtis Millar to-day. What about the atrocities at Midnapore? If, again, the accounts of the atrocities in the Punjab committed by General Dyer, who, I believe, comes from the same British Isles which send us this galaxy of members to this House, are read out from the published reports in the same way as Mr. Millar has done, every right-thinking man will hang down his head in shame and utter humiliation. They stand far more condemned as they were based on the pernicious doctrine of might is right. But, Sir, we are not going into that aspect of the matter here to-day. Sir, I would not either refer in detail to the strange performance of Mr. Abdur Rahman Siddiqi who, I believe, is the ghost of the gentleman who is supposed to have represented the Indian Muslim community in the deputation on the Palestine controversy. Whom was he defending there—Mr. Abdur Rahman Siddiqi—when he went to England—persons who are following the tenets of Mahatma Gandhi and walking in the path of non-violence or persons who are openly attacking others and committing acts of violence and terrorism on Jews? Sir, I would leave Mr. Abdur Rahman Siddiqi alone and ask him to indulge as much as he can in his attacks on the Indian National Congress and Mr. Subhas Bose, who I can assure Mr. Siddiqi will survive his attacks.

Sir, let us now come back to the adjournment motion which we are discussing to-day. We do meet here to-day under the shadow of a great impending peril. The question of release of political prisoners has agitated the minds of Indians not in Bengal alone but in all parts of this vast country. The Hon'ble Khwaja Sir Nazimuddin and the Government of Bengal may well congratulate themselves on the step which they took in releasing 3,000 detenus during the last two years

of their administration. What is the position with regard to the detenus? It has been urged on public platforms and in the press, inside this Chamber and outside it, that these detenus included hundreds and thousands of young men who were kept behind the prison bars without being given the opportunity of an open trial by a Judge and Jury. Now, Sir, if the fact is that many of them were detained without any sufficient cause and established proof, then when Sir Khwaja Nazimuddin released them he does a bare and belated act of justice and not an act of charity or clemency. On the other hand, if Sir Khwaja Nazimuddin took upon himself the responsibility of releasing the 3,000 men knowing that they included persons who had been directly or indirectly involved in various acts of violence and terrorism against the Government if he did that on the ground principally that they had forsaken the path of violence, then he laid down the policy which he is bound to follow in respect of the other prisoners as well. With regard to the convicted political prisoners, it is no use going into the past history of those incidents, but the fact remains that the present Government of Bengal did accept the policy of releasing them and have indeed released many, provided the Government was satisfied that such release was consistent with public safety. Now, Sir what is meant by this phrase "that the release must be consistent with public safety"? Let us stop here for a moment and analyse the situation. Mahatma Gandhi, whose name has been mentioned even by Mr. Abdur Rahman Siddiqi who quoted him with that passionate attachment as some people would quote the Scriptures, has definitely stated that according to his view a general amnesty should be ordered and all political prisoners should be released. But he could not bring the Home Minister of this province to his point of view and therefore a difference occurred. Now, Sir, what is the position with regard to these convicted political prisoners? So far as the past records are concerned, they are there. What, I ask, was the necessity of appointing a committee at all? What work was the committee expected to do? So far as the past records are concerned, they were already before the Government along with the decisions of courts of law. The question was whether they could be released with reference to their possible future conduct. On this point you had a solemn declaration that they had abjured the path of violence and they wanted to return to their normal life. That declaration was made to Mahatma Gandhi himself and there was a repetition of that declaration even to the present Government.

Then, Sir, the position comes to this. On what grounds are you still going to detain them? It is not a case as if the cases of these men are being pleaded before you for an act of charity. The Government of Bengal have accepted the policy of their release consistent with public safety. Here are these 90 men who have joined in the declaration that they have abjured the path of violence; they have

realised they may serve their country's cause in other better ways. If you say that you are not prepared to act on that, you are bound to place before the public of Bengal specific reasons in respect of every one of them as to why they are not going to be released by the Government.

The question of the release of political prisoners is not new in this country. In every country this has happened and there is no reason why a different policy should be followed in this country.

With regard to the question of hunger-strike, I realise that the prisoners have taken a step which perhaps is extreme in some aspects. But in view of Government's attitude what else can they do to ventilate their grievances. Mahatma Gandhi has sent a wire to the effect that "you give up your hunger strike." It is perfectly true that every one in this House would make the same appeal to them. But none with a sense of responsibility can possibly stop there. We must go a step further and say simultaneously that you, the Government of Bengal, who claim to represent the real interest of the people of this province should come forward at this critical hour, be true to your words and release these political prisoners with the least possible delay.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, in rising to support the motion of my honourable friend Rai Harendra Nath Chaudhuri I must say I do so from an overwhelming sense of public duty. At the same time, I must confess that I do so with a considerable amount of trepidation,—trepidation at the seriousness of the position which faces us to-day. I shall not mar the seriousness of the occasion by referring to the speech, if it can be described as a speech at all, of the honourable member who represents a Chamber of Commerce. I shall not mar the seriousness of the occasion by trying to introduce the tone of levity which he has thought fit to introduce in to-day's debate. I shall rest content with this observation that the way, the only way in which his speech should be treated is with scorn, withering scorn.

Before I come to the subject of this evening's debate, I would like to dispose of one or two charges which were made against me by the Hon'ble the Home Minister the other day when he read a considered statement which he had prepared. The first charge was that in writing a letter to Mahatma Gandhi explaining why I had thought fit to resign my membership of the prisoners' release advisory committee, I had committed a breach of confidence, and he referred to a decision, a supposed decision of the committee itself. I say supposed decision advisedly because I have got the minutes of this meeting before me. There was no such decision. The only matter which was discussed at the first meeting of the committee was whether the press and the public were to be admitted to their sittings and the decision was that, as it

was felt that the deliberations and the results thereof being of a confidential character, the press and the public should not be admitted. That was the decision.

There was no ban on any member of the committee, far less on a member of the committee who had resigned, of explaining to the public the reasons for his resignation. Sir, if I have been guilty of a breach of confidence, may I charge the Hon'ble the Home Minister that he was at a much earlier stage guilty of a graver breach of confidence; because if I am not entitled to explain to the public the reasons for my resignation, he is similarly not entitled to tell the public that two members gave the reasons for their resignation when their approach to the question of release of convicted prisoners differed fundamentally from that of other members of the committee. All that I did was to explain what was meant by a fundamental difference of approach.

The other charge that he made was that we, the members of the Congress Party on the committee, had been guilty of dilatoriness. Now, Sir, may I read to the House some of the dates relating to this matter the charge of dilatoriness being brought forward against us by the Government. The letter from Mahatma Gandhi making his suggestion for the release of political prisoners was written on the 13th April, 1938, and it took the Government five long months to make up their minds as to what they were going to do. The decision of Government was announced on the 25th of September, 1938. Then the Hon'ble the Home Minister sent an invitation to me asking for my assistance in the matter of nomination of two members of the Congress Party to the committee.

That letter was written at a time when I was touring from Ranchi to Mysore and from Mysore to Calcutta. I replied to his letter on the 23rd October, 1938. The personnel of the committe was not announced until the 15th December, 1938, and if the Hon'ble the Home Minister were to go carefully through the proceedings of the committee—I am making no charge of reproach against anyone—he will find that long adjournments of the committee were necessitated in order to accommodate the President and not the other members of the committee.

Now, Sir, I pass from the personal explanation which I introduced in reply to the observations of the Hon'ble the Home Minister to a far more urgent or far more serious thing, the fate of the 90 more or less prisoners who are hunger-striking. I have heard it said in this House that their guilt was beyond doubt. Nobody ever denied their guilt. We on the committee start on the basis that they have been found guilty by courts of law. The considerations which the committee have to bear in mind are different considerations altogether. Whether the time is ripe for their release, whether the situation is such as calls for their release, whether the state of mind of the prisoners is such as demands their

release, on these points may I read just a few lines to the new apostle of *Ahimsa*, a few lines from one of the letters of Mahatma Gandhi? In one of his letters—I am referring, Sir, to the letter of the 13th September, 1938—Mahatma Gandhi, whom Mr. Abdur Rahman Siddiqi has recognised as an apostle of non-violence—praise be to Mr. Abdur Rahman Siddiqi—has said "perhaps the Bengal Government and their advisers have missed one big factor in the consideration of the question of release. These prisoners have no sense of guilt. The crimes however bad they might be in themselves were not committed for personal gains. The prisoners having changed their views on violence feel their detention an intolerable hardship. They are fretting for public service. The public estimate also in this matter is of a different character from that of the Government, but since yours is admittedly a Government responsible to the people you are bound to give considerable weight to public opinion which so far as one can judge emphatically demands their release." As I said a few moments ago, no one denies that they were guilty under some section or other of the Indian Penal Code, but behind their crimes under the Indian Penal Code their real crime was their love of country. I do not mean to minimise the gravity of the offences which they committed under the Indian Penal Code, but at the same time I ask the members of this House to remember and to realize that the real motive for their crime was their love of country. Their crime was that their country was the dream of their young years. Their crime was that their country was the generating idea of their mental conception. Their crime was that their country was the keystone of their intellectual edifice and their crime was that their country was the religion of their soul. I am, Sir, using a few words of the great Italian patriot Mazzini with some modifications which I have permitted myself. Sir, will anyone dare to maintain at the present day—I ask my friends opposite—will anyone dare to maintain at the present day that Mazzini was a murderer, will anyone dare to maintain at the present day that Michael Collins was a murderer; will anyone dare maintain at the present day that Mustafa Kamal Pasha was a murderer; will anyone dare maintain at the present day that De Valera was a murderer, the man who shakes hands with his Britannic Majesty? Sir, I would ask members of this House to look at it from a different point of view. The prisoners have atoned for their sins. They have suffered imprisonment for long, long years. They have said unequivocally and in the presence of the members of the committee that they have lost all faith in violence and they have abjured violence for the future. I submit, Sir, that was the main consideration; that ought to have been the main consideration before the committee and that ought to have led the majority of the members of the committee to support me in my demand for the unconditional release of the prisoners. Sir, there were certain colleagues of mine who wanted to interview the prisoners and who

wanted to satisfy themselves that their declaration of faith was sincere. I am letting out no secret when I say that in numerous cases the members of the committee recognised that the declaration of their faith was sincere, but still they were not able to make up their minds to recommend their release. Reports were called for from Government. The reports were there, the précis was there; the history of the case was there. What further reports had you to ask for from Government? I should have thought that my place was not in a committee which was going to surrender their judgment to the judgment of the Government.

Sir, in dealing with this matter I propose to place another consideration before this House and it is this. What is it that the prisoners are asking? They are asking for opportunities for public service. They have given you an assurance through Mahatma Gandhi and also directly to the members of the committee that they propose to work for the public in the public interests and observe the principles of truth and non-violence in their public career. Sir, if these do not justify their release I do not know, Sir, what on earth possibly can. I do not know what answer there can be to their demand for release when they have atoned for their sins, atoned for their sins not merely by serving out long terms of imprisonment but also by declaring in all faith and in all sincerity that they are going to turn a new leaf in their lives. Sir, the demand that is made for their release is a demand which political justice must concede. Their demands are fortified by a sense of humanity. (Loud and continued applause from the Congress Benches.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am confined to only 15 minutes and there are innumerable questions that I have got to reply to, and at the same time I have to justify the policy that Government have so far pursued. I have tried my best to deal with the points that have been raised, but to-day I will deal categorically with the points raised by the various speakers because I feel, Sir, that the occasion is much too serious for mere political propaganda and should be looked at from a more serious and graver point of view than what has been done so far. But before I proceed, I would like to deal more briefly with the one or two points that have been raised by the various speakers. To begin with, Sir, it will take some time if I were to enter into the details of the controversy between the Leader of the Opposition and myself with regard to the statement that has been made by me, but I would ask the House to judge whether the publication of the correspondence which contains the proceedings of the meetings is giving out information to the public.

Mr. SARAT CHANDRA BOSE: Will you please mention the correspondence that was published?

The Hon'ble Khwaja Sir NAZIMUDDIN: The correspondence that passed between Mr. Gandhi and the Leader of the Opposition. (Laughter from the Congress Benches.)

Rai HARENDRA NATH CHAUDHURI: That is no property of the committee.

Mr. SPEAKER: Mr. Rai Chaudhuri, I think there should be no interruption. I have allowed Mr. Bose as the Leader of the Opposition to make his speech uninterrupted, and on this debate I will not allow any interruption whatsoever by anybody.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. I answered only to an enquiry from Mr. Suhrawardy.

Mr. SPEAKER: If Mr. Suhrawardy has done it, I am very sorry that he has done it.

The Hon'ble Khwaja Sir NAZIMUDDIN: Although the invitation was to be issued in September, the delay in issuing the invitation was due to the fact that correspondence was taking place between Mr. Gandhi and myself as to whether members of the Congress Group would be members on the committee, and that is the reason why it took so long.

Mr. SARAT CHANDRA BOSE: Long five months!

The Hon'ble Khwaja Sir NAZIMUDDIN: Considering the number and length of the correspondence, it could hardly be otherwise. Now, these are the two points.

As regards Dr. Shyamaprasad Mookerjee's speech, I am glad that he has confessed that whoever may have committed those crimes, they have got to hang down their heads in shame. But I may tell him that two blacks do not make a white, and it makes no difference as to who has done it. The only fact is that those crimes are such as should be condemned. Thirdly, he has tried to make out that the release of detenus and the release of convicted prisoners are both on the same footing. I find that Mr. Pratul Ganguly has also practically raised the same issue. But, Sir, the two things are quite different. It is not unusual that those who instigate crime often go unpunished and those who commit crime have to bear the burden. Sir, as far as the detenus are concerned, their case was quite different, and was made clear in the *communiqué* that was published by the Government in this connection. But I will not deal with it now.

Now, Sir, I will ask the House to picture to themselves the occasion when Mr. Shamsuddin was making his speech—how eloquent he was, how he breathed the air of freedom here, how he condemned this Government and its policy with regard to the release of political convicts, and how he extolled the virtues of these political convicts; and, Sir, I would like to point out that the committee was appointed in December, and Mr. Shamsuddin joined the Cabinet in November. Further comments are unnecessary.

Maulvi ABDUL LATIF BISWAS: He was a different man then.

Mr. SPEAKER: Order, please.

The Hon'ble Khwaja Sir NAZIMUDDIN: Similarly, Mr. Pratul Chandra Ganguly has made it absolutely clear that terrorism or violence was not committed for the sake of freeing India. They never thought that by means of killing a few persons they will be able to free India. So, it is obvious that it was not the motive for the crime. It was ordinary revenge or retaliation that led them to commit the crimes; therefore, any claim for preferential treatment from this point of view, I am not prepared to accept.

Now, Sir, the important point, as far as to-day's debate is concerned, is the question of hunger-strike, but hardly a reference has been made to that. I have more than once in this House pointed out the fundamental question that no Government can ever agree to concede anything under the threat of a hunger-strike, and on this occasion it is something more than that. Government have made all the concessions that are possible. The policy of Government has been to go into these cases of convicted prisoners, to try and see how far they can be released; a committee was appointed; the committee have been sitting; the committee have made recommendations; and the important point to remember is that so far not a single recommendation of the committee has been turned down absolutely. In eight cases, certain restrictive conditions have been imposed, but in practically every case excepting those in which Government have not yet come to a final decision, in all cases, the recommendations of the committee have been accepted (Mr. SARAT CHANDRA BOSE: Question?) and, as I have already said, in eight cases certain conditions have been imposed. Barring them, in practically all the cases where Government have come to a decision, they have accepted the recommendations of the committee, and in no case, the recommendation of the committee has been turned down. Sir, the cases are still being considered; the policy has been announced; it has been in operation; and we find that even Mr. Gandhi has not only not

approved of the hunger-strike but has suggested that the representatives of the Congress on the committee should go back to the committee. (Rai HARENDRA NATH CHAUDHURI: No) Well, Sir, I would refer the honourable members to the letter of Mr. Gandhi, and what does it show? It shows that so far the policy of the Government had been approved by those who were members of the committee. As soon as they found, however, that there were difficulties in the way, they resigned. And what is more, it is this attitude on their part by which really the hunger-strike has been precipitated, as is evident from what has been published in those letters. (MR. SARAT CHANDRA BOSE: Question?) Unfortunately, Sir, I have not got the time; otherwise, I would have dealt with this thing at length. I have got letters from the convicted prisoners that they have lost all hope because of what has taken place and because of the withdrwal of the Congress representatives from the committee. Sir, that is the attitude of the convicted prisoners. (Rai HARENDRA NATH CHAUDHURI: But that is different matter altogether.) As far as their petitions are concerned, I may as well read the contents of them. The petition of the prisoners in the Dum Dum Central Jail, dated the 23rd June, 1939, says, "The letter of Mr. Sarat Chandra Bose to Mahatmaji and the latter's statement, both of which have been published in the *Hindi Bangabasi Weekly*, have made us extremely apprehensive. We, therefore, beg to request you to enlighten us as to the attitude of the Government of Bengal and require an early reply thereto." Then there is another letter—a petition from the prisoners of the Alipore Central Jail—dated the 1st of July, 1939, in which it is stated that "the publication of the Gandhi-Sarat Chandra Bose correspondence cannot but remove the last trace of hope from the mind of even the most incorrigible optimist." Therefore, the trouble that has been created is not due to the real intentions of Government but due to the publication of the correspondence in the weekly paper. It is obvious that Government have so far pursued a policy; that they have appointed a committee; that its recommendations are either being considered or have been accepted. Sir, there was no justification for this hunger-strike; there is no justification for any action whatsoever; the policy of release on consideration of individual cases is one which is based on the fact which I have more than once stated, viz., that it is impossible to release convicted prisoners on the ground of motive of crime. As I have stated more than once, Sir, if this principle is accepted, there is no reason why all those people who have been convicted for committing crimes because of their belief in God or in religion should not be released also. Similarly, if this principle of releasing people who have been convicted for committing political crimes is accepted, you cannot say where this will lead you to. To-morrow they may start killing one another—representatives of the Congress attacking the members of the

Muslim League and the members of the Muslim League attacking Congressmen or members of the Krishak Proja Party. What will be the result? It means a direct incentive to committing heinous crimes for political purposes. That is what it would lead to, and no Government can accept that position, namely, that simply because a person is committing crimes for political purposes therefore he should be allowed to go free. That is a proposition which cannot be accepted, and that is the reason why in these cases we are trying to place them on the same level with other convicted prisoners. What Government have done is that they have got a Board to look into the cases of other prisoners who have been convicted of other crimes and these prisoners are released on the recommendations of the Board. Here we have appointed a special committee. They are going into individual cases and wherever they are of opinion that the men have already served a sufficient term of imprisonment or for other reasons they deserve special consideration, the committee is submitting recommendations with regard to those persons. Therefore, Sir, as far as the policy of Government is concerned, I maintain that it is very clear. (Mr. SURENDRA NATH BISWAS: How do you save lives?) I submit, Sir, that it is a very important issue and we must have a definite verdict of the House on it. I have still got a great deal to say, but I do not want the motion to be talked out. (Mr. SARAT CHANDRA BOSE: Neither do we.)

Mr. S. A. SALIM: Sir, I beg to move that the closure be now put.

The motion of Rai Harendra Nath Chaudhuri that the business of the House do now adjourn was then put and a division taken with the following result:—

(When the division bell was still ringing the following happened.)

Mr. SANTOSH KUMAR BASU: On a point of order, Sir. (Pointing to Mr. Abdur Rahman Siddiqi) when the House is in session, can an honourable member speak with another member with his back turned to the Chair? (Laughter.)

(Mr. Abdur Rahman Siddiqi took his seat facing the Chair.)

Mr. SPEAKER: Order, order.

AYES—81.

Abdul Jabbar, Paiwan Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Barma, Babu Premhari.
Barma, Mr. Pespajit.
Barman, Babu Shyama Prasad.

Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chakravarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Hirendra Nath.
Duttа, Mr. Sukumar.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mookerjee, Dr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nausher Ali, Mr. Syed.
Pain, Mr. Barada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mg. Charu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sen, Rai Bahadur Jogesh Chandra.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.

NOES—116.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid Shah, Maulvi.
Abdul Kader, Mr. alias Lal Meah.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Mujid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur, Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abdul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Hossain Joardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry Bart.
Blomenstock, Mr. L. M.
Brown, Mr. A. O.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhad Reza Chowdhury, Mr. M.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman (Mymensingh) Mr.
French, Mr. F. H.
Golam Sarwar Hossini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. G.

Gurung, Mr. Dambar Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. A. K.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs. M. B. E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
McGregor, Mr. G. S.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Uday Chand.
Mahabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Miles, Mr. C. W.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Palin Behary.
Mustaqawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Paterson, Mr. E.A.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Saheb Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, The Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Warren, Mr. P. F. S.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 81 and the Noes 116, the motion was lost.

Mr. SPEAKER: I should just say that to-morrow we have got to discuss the Draft Rules. I think, two committees will meet to-morrow. So I fix the time at 5 p.m.

Adjournment.

The House was then adjourned till 5 p.m. on Wednesday, the 12th July, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 12th July, 1939, at 5 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 214 members.

STARRED QUESTIONS

(to which oral answers were given)

Reservation of seats for Scheduled Castes in certain Normal Schools.

*550. **Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there are any reserved seats for the members of the Scheduled Castes in Dacca, Chittagong, Rangpur and Hooghly Normal Schools?

(*b*) If the answer to (*a*) is in the negative, is the Hon'ble Minister considering the desirability of reserving some seats in the said schools for the Scheduled Castes?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) No.

(*b*) The matter will be considered.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to give us an idea of the approximate time in which the matter will be taken into consideration?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is very difficult to say. How can I fix a time? I am considering the matter.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that in the Presidency College the requisite number of students sanctioned by Government is not being admitted?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: I beg to draw your attention to the fact that admissions are going on in the Presidency College——

Mr. SPEAKER: I disallow your question. You are abusing your right. This question does not refer to the Presidency College.

Mr. RASIK LAL BISWAS: নর্মাল স্কুলগুলিতে অন্যান্য কোন কোন সম্প্রদায়ের জন্য রিজার্ভ সিট থাকায় এবং সিডিউল্ড কাষ্টদের জন্য না থাকায় সিডিউল্ড কাষ্টদের বিশেষ অসুবিধা হোচ্ছে—এ বিষয় প্রধান মন্ত্রীমহাশয় অবগত আছেন কি?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes; I think so.

Staff and students of Government Commercial Institute, Calcutta, during last five years.

*551. **Mr. MIRZA ABDUL HAFIZ:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the last five years, grade by grade, the number of Hindu and Muslim employees, viz.—

(*a*) Lecturers,

(*b*) Mechanics,

(*c*) Instructors,

(*d*) Clerks,

(*e*) Menials, and the

(*f*) Number of students

in the Government Commercial Institute, Calcutta?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement is laid on the table.

Statement referred to in the reply to starred question No. 551, showing, grade by grade, the number of Hindu and Muslim employees and the number of students in the Government Commercial Institute for the last five years.

	No. of Hindu employees.	No. of Muslim employees.	No. of students.		
			Hindu.	Muslim.	Total.
1934-35.					
(*a*) *Lecturers.*					
(*i*) Rs. 150—10—400 ..	5	Nil	..	..	..
(*ii*) Rs. 130—10/2—250 ..	..	..	..	..	..
(*iii*) Rs. 150 (fixed) ..	2	Nil	..	..	..
(*iv*) Rs. 110 (fixed) ..	1	Nil	..	..	..
(*v*) Rs. 100 (fixed) ..	2	Nil	..	..	..
(*b*) *Mechanic.*					
Rs. 60—4—80					
(Revised Rs. 30—5/2—55) ..	1	Nil	..	..	..
(*c*) *Instructors.*					
(*i*) Rs. 75—5—150 ..	1	Nil	..	..	..
(*ii*) Rs. 60—4—120 ..	1	Nil	..	..	..
(*d*) *Clerks.*					
(*i*) Rs. 100—5—150 ..	1	Nil	..	..	..
(*ii*) Rs. 40—40—45—2—65—85	1	Nil	..	..	..
(*iii*) Rs. 45—5/2—70 ..	1	Nil	..	..	..
(*iv*) Rs. 35—35—40—4/2—60—4/2—68—3/2—80.	Nil	Nil	..	..	..
(*e*) *Menial Establishment.*					
(*i*) Rs. 15-c-1/5—19 ..	3	Nil	..	..	..
(*ii*) Rs. 13—1/5—17 ..	3	Nil	..	..	..
Contingency.					
Rs. 13 (fixed) ..	4	Nil	409	18	427
(*f*) *Number of students* ..	..	..	..	..	..

	No. of Hindu employees.	No. of Muslim employees.	No. of students.		
			Hindu.	Muslim.	Total.
1935-36.					
(a) *Lecturers.*					
(i) Rs. 150—10—400 ..	5	Nil	..	..	..
(ii) Rs. 130—10/2—250 ..	..	..	..	..	..
(iii) Rs. 150 (fixed) ..	2	Nil	..	..	..
(iv) Rs. 110 (fixed) ..	1	Nil	..	..	..
(v) Rs. 100 (fixed) ..	2	Nil	..	..	..
(b) *Mechanic.*					
Rs. 60—4—80.					
(Revised Rs. 30—5/2—55) ..	1	Nil	..	..	..
(c) *Instructors.*					
(i) Rs. 75—5—150 ..	1	Nil	..	..	..
(ii) Rs. 60—4—120 ..	1	Nil	..	..	..
(d) *Clerks.*					
(i) Rs. 100—5—150 ..	1	Nil	..	..	..
(ii) Rs. 40—40—45—2—65—2—85.	1	Nil	..	..	..
(iii) Rs. 45—5/2—70 ..	1	Nil	..	..	..
(iv) Rs. 35—35—40—4/2—60—4/2—68—3/2—80.	Nil	Nil	..	..	..
(e) *Menial Establishment.*					
(i) Rs. 15—1/5—19 ..	3	Nil	..	..	..
(ii) Rs. 13—1/5—17 ..	3	Nil	..	..	..
Contingency.					
13 (fixed) ..	4	Nil	359	15	374
(f) *Number of students* ..	..	..	..	..	..

	No. of Hindu employees.	No. of Muslim employees.	No. of students.		
			Hindu.	Muslim.	Total.
1936-37.					
(*a*) *Lecturers.*					
(*i*) Rs. 150—10—400 ..	4	Nil	..	..	..
(*ii*) Rs. 130—10/2—250 ..	1	Nil	..	..	..
(*iii*) Rs. 150 (fixed) ..	2	Nil	..	..	..
(*iv*) Rs. 110 (fixed) ..	1	Nil	..	..	..
(*v*) Rs. 100 (fixed) ..	2	Nil	..	..	..
(*b*) *Mechanic.*					
Rs. 60—4—80.					
(Revised Rs. 30—5/2—55) ..	1	Nil	..	..	..
(*c*) *Instructors.*					
(*i*) Rs. 75—5—150 ..	1	Nil	..	..	..
(*ii*) Rs. 60—4—120 ..	1	Nil	..	..	..
(*d*) *Clerks.*					
(*i*) Rs. 100—5—150 ..	1	Nil	..	..	..
(*ii*) Rs. 40—40—45—2—65—2—85.	1	Nil	..	..	..
(*iii*) Rs. 45—5/2—70 ..	1	Nil	..	..	..
(*iv*) Rs. 35—35—40—4/2—60—4/2—68—3/2—80.	Nil	Nil	..	..	..
(*e*) *Menial Establishment.*					
(*i*) Rs. 15—1/5—19 ..	3	Nil	..	..	..
(*ii*) Rs. 13—1/5—17 ..	3	Nil	..	..	..
Contingency.					
Rs. 13 (fixed) ..	4	Nil	464	35	499
(*f*) *Number of students* ..	..	..	..	..	..

	No. of Hindu employees.	No. of Muslim employees.	No. of students.		
			Hindu.	Muslim.	Total.
1937-38.					
(a) *Lecturers.*					
(i) Rs. 150—10—400 ..	4	Nil	..	..	..
(ii) Rs. 130—10/2—250 ..	1	Nil	..	..	..
(iii) Rs. 150 (fixed) ..	2	Nil	..	..	..
(iv) Rs. 110 (fixed) ..	1	Nil	..	..	..
(v) Rs. 100 (fixed) ..	2	Nil	..	..	..
(b) *Mechanic.*					
Rs. 60—4—80.					
(Revised Rs. 30—5/2—55) ..	1	Nil	..	..	..
(c) *Instructors.*					
(i) Rs. 75—5—150 ..	1	Nil	..	..	..
(ii) Rs. 60—4—120 ..	1	Nil	..	..	..
(d) *Clerks.*					
(i) Rs. 100—5—150 ..	1	Nil	..	..	..
(ii) Rs. 40—40—45—2—65—2—85.	1	Nil	..	..	..
(iii) Rs. 45—5/2—70 ..	1	Nil	..	..	..
(iv) Rs. 35—35—40—4/2—60—4/2—68—3/2—80.	Nil	Nil	..	..	..
(e) *Menial Establishment.*					
(i) Rs. 15—1/5—19 ..	3	Nil	..	..	..
(ii) Rs. 13—1/5—17 ..	3	Nil	..	..	..
Contingency.					
Rs. 13 (fixed) ..	4	Nil	445	41	486
(f) *Number of students*		..	..	..	..

	No. of Hindu employees.	No. of Muslim employees.	No. of students.		
			Hindu.	Muslim.	Total.
1938-39.					
(a) Lecturers.					
(i) Rs. 150—10—400 ..	4	Nil	..	..	..
(ii) Rs. 130—10/2—250 ..	1	Nil	..	..	..
(iii) Rs. 150 (fixed) ..	2	Nil	..	..	..
(iv) Rs. 110 (fixed) ..	1	Nil	..	..	..
(v) Rs. 100 (fixed) ..	2	Nil	..	..	..
(b) Mechanic.					
Rs. 60—4—80.					
(Revised Rs. 30—5/2—55) ..	1	Nil	..	..	..
(c) Instructors.					
(i) Rs. 75—5—150 ..	1	Nil	..	..	..
(ii) Rs. 60—4—120 ..	1	Nil	..	..	..
(d) Clerks.					
(i) Rs. 100—5—150 ..	1	Nil	..	..	..
(ii) Rs. 40—40—45—2—65—2—85.	1	Nil	..	..	..
(iii) Rs. 45—5/2—70 ..	1	Nil	..	..	..
(iv) Rs. 35—35—40—4/2—60—4/2—68—3/2—80.	Nil	Nil	..	..	..
(e) Menial Establishment.					
(i) Rs. 15—1/5—19 ..	3	Nil	..	..	..
(ii) Rs. 13—1/5—17 ..	3	Nil	..	..	..
Contingency.					
Rs. 13 (fixed) ..	4	Nil	487	62	549
(f) Number of students ..	..	..	..	..	..

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state why not a single Muhammadan name appears in the statement that has been supplied to us in answer to the question?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is why the service ratio has been fixed.

Commission fees and Court guardian fees by the Civil Courts of Bakarganj in 1937 and 1938.

*552. **Maulvi MD. MOZAMMEL HUQ:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*i*) the amount spent in the Civil Courts of Bakarganj as commission fees and Court guardian fees in 1937 and 1938, and

(*ii*) the amount paid to—

(1) Caste Hindu Pleaders,

(2) Muhammadan Pleaders, and

(3) Scheduled Castes Pleaders.

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur):

	Commission fees.		Court guardian fees.	
	1937.	1938.	1937.	1938.
	Rs.	Rs.	Rs.	Rs.
(i)	8,340	9,057	8,177	6,013
(ii) (1)	8,092	8,472	6,274	4,407
(2)	47	179	1,683	1,428
(3)	200	405	220	177

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Shall I read the answer?

Mr. SPEAKER: As a special case you need not read it, but I hope that your department will kindly see that in future when statistics are

given and you do not intend to read them, some remark to the effect that the statement is laid on the table may be in the answer.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister consider the desirability of taking necessary steps to see that the Muhammadan pleaders and particularly the Muhammadan junior pleaders do get at least their due share?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: As regards the commission, my information is that it generally goes to those who have qualified themselves by passing the survey examination. If the Muhammadan pleaders pass the survey examination and qualify themselves, their names must be enlisted in the panel, but as long as the Muhammadans do not come forward with requisite qualification, I am helpless. Further, I may tell my friend in this connection that whatever be the state of affairs, I am now thinking of doing something to see that in the panel of commission pleaders, the Muhammadan names also appear. You are all aware that so far as this panel is concerned, the pleader commissioners have now occupied the places of the old-type survey commissioners who were outsiders. If you qualify yourselves now, you will be included in the panel of commissioners.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that in the case of court guardian fees and in the case of commission for local investigation any knowledge of survey is not required?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Probably in 95 per cent. of the cases the commissioners require knowledge of survey.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state if it is a fact that for the examination of invalid witnesses and *pardanashin* ladies the commissioners need not have expert knowledge of survey?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It is true that in such cases no expert knowledge is required.

Mr. ABDUL WAHAB KHAN: Does the Hon'ble Minister consider the desirability of issuing a circular or taking any step which he may think proper to see that the Muhammadan pleaders so far as the cases of court guardian and other commissions for the examination of witnesses are concerned, do get their due share in the bar library or other institutions?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: As to that I may tell you that in the panel for different works I am trying to see that the Muhammadans get their share. I am trying to see that at least in the panel there are——

Mr. ABDUL WAHAB KHAN: There is no panel.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Probably my friend is not aware of it. Panels are prepared under certain rules and if he is not a man in the panel he cannot be appointed. Here I may say I am taking steps to see that 50 per cent. of the panel pleaders come from the Muhammadan community, provided they are qualified for the purpose.

(After the Speaker had called the next question Mr. Abdul Wahab Khan persisted in putting supplementary questions.)

Mr. SPEAKER: Order, order. Mr. Abdul Wahab Khan, I am drawing your attention to the fact that if there is a wrong information given the only remedy for you is to bring forward a no-confidence motion.

Kurigram protection work.

*553. **Kazi EMDADUL HAQUE:** (*a*) Will the Hon'ble Minister for Communications and Works (Irrigation) Department be pleased to state whether since the stoppage of the protection work at Kurigram Government has received representations and memorials from the Kurigram Town Protection Committee, the Kurigram Muhammadan Association, the Kurigram Peoples' Association and the Kurigram Muslim League praying for the completion of the protection work?

(*b*) If so, what action, if any, has been taken on the said representations and memorials?

(*c*) Did the Government consult the local M.L.A.'s before the work was stopped?

(*d*) If so, what was their opinion?

(*e*) Did the local people dismantle their buildings and remove their houses for making slopes for the purpose of the protection work?

(*f*) If so, whether it was done at the suggestion of the Government officers, local and otherwise?

(*g*) What amount of money is necessary to complete the unfinished work of the protection work?

(*h*) What amount of money is necessary to protect the work so far done by putting up anchorage?

(*i*) Have the Government received any offer from the public of Kurigram that many of them are prepared to work gratis as labourers if the Government resume the work of protection?

(*j*) If so, whether the Government have considered the matter and come to any decision thereon?

(*k*) Are the Government considering the desirability of taking steps for the preservation of the protection work so far done by doing the needful as the occasion demands?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) Representations have been received from the Kurigram Town Protection Committee and the Kurigram Muslim League.

(*b*) No action has been taken on the representations received.

(*c*) and (*k*) No.

(*d*) and (*j*) Do not arise.

(*e*) I am informed that some people did so.

(*f*) Yes.

(*g*) It is estimated that if work had not been abandoned a further sum of about Rs. 35,000 would have been required to complete it.

(*h*) No effective anchorage of the work done is now possible.

(*i*) No such offers have been received.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state with reference to his answer (*b*) where it is said that no action has been taken on the representations received whether it is that the representations are not worthy of consideration or whether the Government desire that the town should be washed away?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Government decided to abandon the work after mature consideration.

Travelling allowance and daily allowance drawn by each of the Hon'ble Ministers.

***554. Mr. TARINI CHARAN PRAMANIK:** Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing the amount drawn by each of the Hon'ble Ministers, year by year, since the assumption of their offices up to 30th of May, 1939, as—

(1) travelling allowance; and

(2) daily allowance?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): Two statements are laid on the table.

Statement A, with reference to the reply to starred question No. 554, showing expenditure incurred in respect of travelling allowance (including railway requisitions) of each Hon'ble Minister from 1st April, 1937 to 31st May, 1939.

	Name.	1937-38.	1938-39.	1st April, 1939, to 31st May, 1939.
		Rs. a. p.	Rs. a. p.	Rs. a. p.
1.	The Hon'ble Mr. A. K. Fazlul Huq	7,166 5 9	10,326 3 9	1,441 13 0
2.	The Hon'ble Mr. N. R. Sarker ..	2,437 11 0	3,757 10 3	317 10 0
3.	The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E.	2,603 4 3	2,619 5 0	219 15 9
4.	The Hon'ble Sir B. P. Singh Roy	4,386 14 6	5,763 6 3	505 2 0
5.	The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca.	8,479 2 3	6,366 11 0	690 8 9
6.	The Hon'ble Maharaja Srischandra Nandy, of Cossimbazar.	3,560 9 3	3,293 1 0	622 15 3
7.	The Hon'ble Mr. H. S. Suhrawardy	3,124 12 6	2,679 13 3	745 6 0
8.	The Hon'ble Nawab Musharruff Hossain, Khan Bahadur.	3,607 10 9	1,552 12 9	99 6 0
9.	The Hon'ble Mr. P. D. Raikut ..	2,871 10 9	2,724 7 0	645 10 0
10.	The Hon'ble Mr. M. B. Mullick ..	2,335 11 6	4,709 12 3	344 4 0
11.	The Hon'ble Mr. Tamizuddin Khan.	Nil	697 10 0	904 14 0
12.	The Hon'ble Mr. Nausher Ali ..	2,326 5 9	1,171 2 3	Nil
13.	The Hon'ble Mr. Shamsuddin Ahmed.	Nil	439 5 6	Nil

Statement B, with reference to the reply to starred question No. 552, showing daily allowances drawn by each Hon'ble Minister from 1st April, 1937, to 31st May, 1939.

Name.	1937-38.	1938-39.	1st April, 1939 to 31st May, 1939.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
1. The Hon'ble Mr. A. K. Fazlul Huq.	345 0 0	2,280 0 0	130 0 0
2. The Hon'ble Mr. N. R. Sarker ..	112 8 0	1,055 0 0	195 0 0
3. The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E.	120 0 0	440 0 0	237 0 0
4. The Hon'ble Sir B. P. Singh Roy	15 0 0	950 0 0	255 0 0
5. The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca.	405 0 0	1,410 0 0	765 0 0
6. The Hon'ble Maharaja Srischandra Nandy, of Cossimbazar.	195 0 0	640 0 0	150 0 0
7. The Hon'ble Mr. H. S. Suhrawardy.	240 0 0	625 0 0	525 0 0
8. The Hon'ble Nawab Musharruff Hossain, Khan Bahadur.	45 0 0	105 0 0	105 0 0
9. The Hon'ble Mr. P. D. Raikut ..	45 0 0	645 0 0	225 0 0
10. The Hon'ble Mr. M. B. Mullick	120 0 0	1,060 0 0	300 0 0
11. The Hon'ble Mr. Tamizuddin Khan.	Nil	245 0 0	655 0 0
12. The Hon'ble Mr. Nausher Ali ..	105 0 0	Nil	Nil
13. The Hon'ble Mr. Shamsuddin Ahmed.	Nil	660 0 0	Nil

GOVERNMENT BILL.

The Bengal Agricultural Debtors (Amendment) Bill, 1939.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to present the report of the Select Committee on the Bengal Agricultural Debtors (Amendment) Bill, 1939.

Draft rules of the Bengal Legislative Assembly as made by the Rules Committee.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the rules laid on the table be taken into consideration.

The motion that the draft rules of the Bengal Legislative Assembly as made by the Rules Committee be taken into consideration was then put and agreed to.

Mr. SPEAKER: I might, at this stage before these rules are taken into consideration, explain what has been agreed to by all parties at several conferences which were held this morning and this afternoon. First of all there is a strong contention of opinion as to the legal and constitutional position, with reference to certain rules which the Governor may make in the discharge of his duties. The question of constitutional position of the House *vis-a-vis* the question of framing rules is a very important constitutional question and I am not personally satisfied in my own mind as to whether the legal opinions on all the points which Government have taken are correct or not. Until and unless I am personally satisfied I think that it would not be proper for me to surrender the right to do without any protest on our part but in view of the fact that the position is still of an uncertain nature and that no proper legal and constitutional opinions have been taken, I have decided, after the session is over, to go over the whole matter as to whether the House has the power not merely with reference to those rules which have been deleted but particularly with reference to our powers over the budget, as to what powers we have got and what the legal and constitutional position is. I propose to go into this matter in detail. Subject to that I hope that the House will be pleased to accept for the time being the decision of the Committee (namely, the deletion) which has been agreed to.

I may also explain that there are certain other points regarding the administration of the rules. I quite realize that we are still in the position in which we have not had sufficient experience in the matter. So far as the administration of some of the rules, particularly regarding "admissibility" and other departmental matters, is concerned, I propose to go into this matter later. More than that is not necessary for me to say at the moment.

There is one other matter which has been called by some as the "massacre of the innocents", namely, that the present rules, are such that non-official Bills given notice of are very large in number that we don't get any chance to discuss them. That is the present position. But the new rules will give us an opportunity to discuss Bills at least once a week, *i.e.*, on Friday unless it is a holiday or it is not possible

to transact business for some special reason. In that case it will be adjusted between the Government and the Speaker, and in accordance with the rules made thereunder members will get much better chance now than before. There will certainly be Bills which are not taken into consideration or which do not get even a chance of being introduced. Under our present rules mature things come first and naturally the immature things come last. That is a matter which I propose to look into personally with a view to finding out suitable methods for placing before the House those Bills which are considered to be really necessary or essential.

There is just one other thing—I might say that it has been agreed to—which is a vital and an essential matter. I think that the House will remember that so far as these rules are concerned, rule 86 (1) empowers the Minister to object to any resolution and on that the discussion of the resolution will be postponed. After a good deal of discussion and struggle between the members on both sides, for the time being we have agreed that rule 86 (1) will stand as it is, but rule 86(2) will be amended in this form, namely:—

"Immediately after a resolution is moved, the Minister in charge of the department to which the resolution relates may move that the question may at once be put without discussion and the Speaker after permitting the Minister and the mover of the motion to make a brief explanatory statement may, with or without consulting the House, as he may think necessary, put the question thereon without a debate".

Along with that it has been agreed to that the applicability of the rule to adjournment might be deleted.

There is also another matter which has been agreed to, namely, that in a no-confidence motion where the consent of the Speaker is necessary for the very moving of it, it has been objected to on the ground that it is a constitutional right of the House which should not ordinarily be interfered with. In spite of the fact that there are very strong differences of opinion on both sides an agreed solution has been found, namely, that in the first part of section 102 of the draft rules the portion "with the consent of the Speaker" may be deleted, but that the consent of the Speaker will be necessary for the second part inasmuch as he has to decide whether the motion is in order or not. These words will be added after the word "order", namely, "and is not an abuse of the procedure provided in sub-rule (*1*)".

The suggestion is that after the word "order" in rule 102(*2*) the following words may be added, "and is not an abuse of the procedure provided in sub-rule (*1*)". In other words, the Speaker will not ordinarily interfere, but if he considers that it is an abuse of the rule then he can do it. It makes no difference, because the principle has been accepted.

I think, these are practically all. All the parties have discussed the matter and agreed that so far as the Government amendments are concerned, they will be moved and accepted by the House without any division or discussion, and so far as the other amendments are concerned, they will not be taken into consideration at this stage.

Rule 1.

Babu NAGENDRA NATH SEN: Sir, I beg to move that in rule 1, in line 11, the definition of "Gazette" be restored.

The motion was put and agreed to.

Rule 12.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the rule 12(*l*) be reinstated.

The motion was then put and agreed to.

Dr. NALINAKSHA SANYAL: Sir, with regard to amendment No. 11 in the name of Mr. Atul Krishna Ghose, we were given to understand that Sir Nazimuddin will give his mind to it later on.

Mr. SPEAKER: I will ask Sir Nazimuddin about it.

Then, there is just a change which is necessary in rule 12(*v*), *viz.*, "discuss any ruling or direction of the Speaker except with the leave of the Speaker, or any order disallowing a question, resolution or motion". It looks as it without the leave of the Speaker his ruling or direction cannot be discussed, but it seems that an order of the Speaker cannot be discussed in any circumstances. In order to avoid it, it is proposed that the words "except with the leave of the Speaker" should come before the word "discuss" in rule 12(*v*). I think, if that is agreed to, I can put it before the House.

The question is, that the words "except with the leave of the Speaker" in rule 12(*v*) be deleted from where it is and added at the beginning of rule 12(*v*).

The motion was then put and agreed to.

Rule 18A.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 18A be omitted.

The motion was then put and agreed to.

Rule 19.

Babu NAGENDRA NATH SEN: Sir, I beg to move that in rule 19 (*1*), in line 4, after the word "answered" the following words be inserted, namely:—

"or Bills which for want of time could not be introduced".

The motion was then put and agreed to.

Rules 24A and 24B.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 24A be omitted.

I also beg to move that rule 24B be omitted.

The above motions were then put and agreed to

Rule 31

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in rule 31, in line 2, the words "in his discretion" be deleted.

The motion was then put and agreed to.

Rule 42.

Babu NAGENDRA NATH SEN: Sir, I beg to move that in rule 42(*4*), in line 1, for the word "on" the word "to" be substituted.

The motion was then put and agreed to

Rule 46.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that in rule 46, in line 11, the words "may be" be omitted.

The motion was then put and agreed to.

Rule 48.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 48(*2*) be omitted.

The motion was then put and agreed to.

Rule 53A.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 53A be omitted.

The motion was then put and agreed to.

Rule 53B.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 53B be omitted.

The motion was then put and agreed to.

Rule 53C.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 53C be omitted.

The motion was then put and agreed to

Rule 54

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that sub-rule (7) of rule 54 be omitted.

The motion was then put and agreed to

Rule 58

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that after rule 58(5) the following new sub-rule be inserted, namely:—

"(6) Copies of the report of a select committee may be made available to members and notice of a motion under sub-rule (3) given before the report is formally presented under sub-rule (1)."

The motion was then put and agreed to.

Rule 66A.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 66A be omitted.

The motion was then put and agreed to.

Rule 70.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that in rule 70(*2*), in line 3, the words "the date when" be omitted.

The motion was then put and agreed to.

Rule 79.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that in rule 79(*2*), in line 1, after the word "thereafter" the words "or on any subsequent occasion" be inserted.

The motion was then put and agreed to.

Rule 85A.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 85A be omitted.

The motion was then put and agreed to.

Rule 86.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 86(*2*) be omitted and that the following be substituted in its place, namely:—

"(*2*) Immediately after a resolution is moved, the Minister in charge of the department to which the resolution relates may move that the question may at once be put without discussion, and the Speaker after permitting the Minister and the mover to make a brief explanatory statement may, with or without consulting the House as he may think necessary, put the question thereon without a debate."

The motion was then put and agreed to.

Rule 86A.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 86A be omitted.

The motion was then put and agreed to.

Rule 97.

Babu NAGENDRA NATH SEN: Sir, I beg to move that rule 97(*2*) be omitted.

The motion was then put and agreed to.

Rule 102.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that in rule 102(*1*), in lines 1 to 3, for the words "in a Minister or a motion disapproving the policy of the Minister in a particular respect" the words "in the Council of Ministers or in a particular Minister or a motion disapproving the policy of a Minister in a particular respect" be substituted.

Mr. SPEAKER: Sir Nazimuddin, will you please also move the short-notice amendment under this rule?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Sir, I also beg to move that in rule 102(*1*), in lines 3 and 4, the words "with the consent of the Speaker and" be omitted, and that in rule 102(*2*), line 2, after the word "order" the words, figure, and brackets "and is not an abuse of the procedure provided in sub-rule (*1*)" be inserted.

The above motions were then put and agreed to.

Rule 105.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 105 be omitted.

Rule 108.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, beg to move that rule 108 be omitted.

Rule 109.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, beg to move that rule 109 be omitted,

Rule 110.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 110 be omitted.

Rule 112.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 112 be omitted.

Rule 113.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 113 be omitted.

Rule 115

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 115 be omitted.

Rule 116

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 116 be omitted.

Rule 124.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that rule 124 be renumbered as rule 124(*1*) and that the following new sub-rule be inserted thereafter, namely:—

"(*2*) Subject to the provisions of these rules, the Speaker may by orders provide for the procedure and conduct of business (including quorum) at all Committees constituted under these rules."

New Rule 135.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the following new rule be added after rule 134, namely:—

"135. These rules may be called the Bengal Legislative Assembly Procedure Rules."

The above ten motions were then put and agreed to.

Mr. SPEAKER: I take it that the other amendments are not moved.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the draft rules of procedure for the conduct of business of the Bengal Legislative Assembly under section 84(1) of the Government of India Act, 1935, as framed by the House be passed.

In this connection, Sir, I would like to express my most sincere thanks to the members of the Committee who have had to work very hard to frame these rules and what is, Sir, most important, and for which I am sure the whole House will be very grateful, the discussions have been conducted in a most thorough and businesslike manner and, at the same time, without any friction whatsoever and with a spirit of give and take which has enabled us to get these rules agreed upon without a single division as far as I remember, and I am extremely grateful to the members for this. I would also like to express my thanks to the members of the House for kindly accepting the work of the Committee and especially for not insisting on moving amendments and allowing the thing to go through within such a short time.

Babu NAGENDRA NATH SEN: The Congress Party is always reasonable. (Laughter.)

Rai HARENDRA NATH CHAUDHURI: Will you kindly permit me, Sir, to congratulate the Government side on the reasonableness they have shown in accepting the suggestions made by the Opposition in the Committee?

Mr. NISHITHA NATH KUNDU: Sir, though I am not positive I think that there may be some inconsistencies——

Mr. SPEAKER: Let us leave something for the future. (Laughter.)

The motion of the Hon'ble Khawja Sir Nazimuddin that the draft rules of procedure for the conduct of business of the Bengal Legislative Assembly under section 84(1) of the Government of India Act, 1935, as framed by the House be passed, was then put and agreed to.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have got another amendment to move.

Mr. SPEAKER: What is it? Please move it.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the rules of procedure for the conduct of business of the Bengal Legislative Assembly under section 84(1) of the Government of India Act, 1935, as settled in the Assembly, shall be followed after the current session of the Assembly.

The above motion was then put and agreed to.

Mr. SPEAKER: I take it that it is also agreed that so far as the Privilege Bill is concerned, in this session there will be nothing more than an introduction of this Bill. Government have given a definite, positive and categorical assurance that by the time the Assembly meets again in the next session, they will be prepared with their views on it. To that I have agreed. I shall now ask Mr. Ashrafali to introduce the Privilege Bill.

Mr. NISHITHA NATH KUNDU: Sir, will the rules be applicable from the next session?

Mr. SPEAKER: Yes.

The Bengal Assembly Powers and Privileges Bill, 1939.

Mr. M. ASHRAFALI: Sir, I beg to move for leave to introduce a Bill to regulate the powers and privileges of members of the Bengal Legislative Assembly.

(The Secretary then read the short title of the Bill.)

Mr. SPEAKER: I think I should adjourn the House now till 7-15 p.m. because there are certain matters which have to be discussed.

Dr. NALINAKSHA SANYAL: May I submit, Sir, that there are two important motions pending—one relating to the privileges of members of the House to move freely in their respective constituencies and another relating to the jute matter. With regard to the jute matter, we had a discussion with Sir Nazimuddin this morning, and a draft resolution was handed over to him. May we know, Sir, if they can be taken up to-morrow?

Mr. SPEAKER: I have no objection. What is your opinion, Sir Nazimuddin? The Committee will take some time and I find that it is a very important matter that we are considering.

The Hon'ble Khwaja Sir NAZIMUDDIN: Then we better meet again to-morrow, Sir.

Mr. SPEAKER: All right.

Adjournment.

The House was then adjourned till 5 p.m. on Thursday, the 13th July, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 13th July, 1939, at 5 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 7 Hon'ble Ministers and 203 members.

STARRED QUESTIONS

(to which oral answers were given)

Staff of the Tropical School.

*555. **Maulvi AULAD HOSSAIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to lay on the table a statement showing the present number of—

(1) Professors,
(2) Assistant Professors,
(3) Research Workers,
(4) Research Assistants,
(5) Chemists,
(6) Artists,
(7) Radiographers,
(8) Laboratory Assistants,
(9) Ward Masters,
(10) Animal Caretakers,
(11) Clerks,
(12) Typists,
(13) Stenographers,
(14) Cashiers,
(15) Accountants,
(16) Librarians,

(17) Storekeepers,

(18) Media-makers,

(19) Carpenters, and

(20) other menials including Durwans and Coolies,

in the School of Tropical Medicine?

(*b*) How many of them are—

(1) Europeans,

(2) Indian Christians,

(3) Mussalmans, and

(4) Hindus?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): A statement is laid on the table. The statement includes the staff of the Endowment Fund and the temporary staff of the Drug Testing Laboratory and the Medicinal Plants and Food Poisons Enquiry.

Statement with reference to the reply to starred question No. 555, showing the number of the present staff of the School of Tropical Medicine as on 4th July, 1939.

	Total number.	Europeans.	Indian Christians.	Mussalmans.	Hindus.	Remarks.
1. Professors ..	8*	2†	..	..	6	*Including Professor of Hygiene paid by Government of India and officiating incumbents. †Includes Dr. Napier, Research Worker under Endowment Fund.
2. Assistant Professors ..	10*	1†	..	..	8	*Including the Assistant Director. †Domiciled European. Professor of Entomology doing the duties of the Assistant Professor as well.
2A. Lecturer of Infectious Diseases.	1	..	..	..	1	
2B. Lecturer of Tropical Surgery.	1	1	..	..	1	(Col. Anderson and Dr. D. Chakravarty are the two Lecturers on the same subject.)
2C. Technical Assistants ..	3	..	..	1	2	
3. Research Workers ..	10	3	1	..	6	Anglo-Indian shown in column "Indian Christian".
4. Research Assistants ..	14	..	..	1	13	
5. Chemists ..	4	..	..	..	4	
5A. Assistant Chemists ..	3	..	..	..	3	
6. Artists ..	2	..	..	..	2	

	Total number.	Europeans.	Indian Christians.	Mussalmans.	Hindus.	Remarks.
7. Radiographers ..	..	..	..	..	..	Belong to Carmichael Hospital for Tropical Diseases.
8. Laboratory Assistants (including lady attendants).	50	..	4	7	39	
9. Ward-masters ..	..	..	..	..	..	Belong to Carmichael Hospital for Tropical Diseases.
10. Animal Caretakers ..	1	..	..	..	1	
11. Clerks ..	9	..	..	4	5	
12. Typists ..	3	..	..	2	1	
13. Stenographers ..	..	..	..	..	..	
14. Cashiers ..	1	..	..	..	1	
15. Accountants ..	1	..	..	1	..	
16. Librarians ..	1	..	..	..	1	
17. Storekeepers ..	1	..	1	..	..	
18. Media-makers ..	3	..	..	..	3	
19. Carpenters ..	1	..	..	..	1	
19A. Other mistries and technicians.	4	..	..	2	2	
20. Other menials ..	56	..	..	9	47	

Mr. PROMATHA RANJAN THAKUR: With reference to the statement appended to the answer in which it is stated that there are 2 Hindu Technical Assistants and 1 Muslim Technical Assistant and 13 Hindu Research Assistants and 1 Muslim Research Assistant, will the Hon'ble Minister be pleased to state if suitable candidates are not available from the Muslim community or if the claims of Muslims have been superseded by Hindus?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not think the question of supersession of claims of anybody arises. The state of things is as shown in the table

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state if suitable candidates were not available from the Muslim community?

The Hon'ble Mr. TAMIZUDDIN KHAN: I would like to repeat the answer that the Hon'ble Chief Minister gave yesterday in reply to a question that that is the reason why it has been found necessary to fix a communal ratio for the public services.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state the length of time these Muslim Assistants have been working in this department?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Kurigram Protection Work.

***555A. Dr. SHARAT CHANDRA MUKHERJI:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the Kurigram town protection scheme consisted principally of slope cutting on the bank of the river, spreading of wire nets on the slopes cut and brick laying, or what technically is called brick-mattressing?

(*b*) If so, whether it is a fact that slope cutting and wire net spreading operations were completed and that brick-mattressing over three-fourths of the slope had been done before the protection work was stopped?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether it is a fact that the Government's estimate for Rs. 85,000 was an overestimate;

(*ii*) that already in the purchase of materials there has been a saving of Rs. 5,000;

(*iii*) that the remaining work could be finished with the materials in the stock with only between rupees five thousand and rupees seven thousand; and

(*iv*) that the protection work hitherto done can be saved with Rs. 500 only?

(*d*) Is it in the contemplation of Government to protect the work already done?

(*e*) If so, what precautionary measure do the Government intend to take in the matter? If not, why not?

(*f*) Is the Hon'ble Minister aware—

(*i*) that the contractor undid some work of protection in trying to disengage the bricks from wire nets;

(*ii*) that as a result numberless bricks have been washed away;

(*iii*) that the unprotected slopes cut at Government expense are gradually giving way owing to incessant showers; and

(*iv*) that at the north end of the protection work a scour has been formed as there is no anchoring arrangement?

(*g*) If the answer to (*four*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, do the Government propose to take with regard to the scour mentioned?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) Yes.

(*b*) No. Slope cutting had been done for about half the length, and a mattress laid over nearly a quarter of the area before the work was stopped.

(*c*) (*i*) and (*ii*) The estimate included Rs. 12,000 for a diversion cut. No substantial saving on the rest of the estimate was expected.

(*iii*) No.

(*iv*) No.

(*d*) and (*e*) No. The attention of the honourable member is invited to my reply to the debate on the recent adjournment motion on this subject.

(*f*) (*i*) and (*ii*) I am informed that at some points bricks were loosened owing to the breaking of wire nets.

(*iii*) Yes.

(*iv*) A scour at the upper or northern end of the mattress is showing sign of progressive development.

(*g*) Government do not propose to take any further action in this connection.

Amount of money paid to the Bengal Provincial Co-operative Industrial Society, Limited, for publicity and propaganda.

***555B. Maulvi MUHAMMAD IBRAHIM:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) how much money was paid by the Government to the Bengal Provincial Co-operative Industrial Society, Limited, College Street Market, Calcutta, for publicity and propaganda; and

(*ii*) what proportion of the money has been spent in advertisement through Muslim papers?

(*b*) Were any printing materials or stationery purchased from any Muslim firms?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) 1937-38—Rs. 3,500 and 1938-39—Rs. 3,500.

(*ii*) The main regular agency for the advertisement of society's products is co-operative journal "Bhander". On ceremonial occasions such as *Puja* and *Id* advertisements were made through Hindu and Muslim papers. It would be against the interest of the society to disclose the proportion of money spent on advertisement through Muslim papers.

(*b*) Yes.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the amounts sanctioned for the "Daily Azad" and the "Monthly Mohammadi?"

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the nature of interest that will be jeopardised if the proportion of money spent on advertisement in different papers is disclosed?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not so far as the amount spent is concerned, but as to how much is spent on either class of papers which the directors feel it is not in the interest of the society to disclose.

Mr. ATUL KRISHNA GHOSE: The Hon'ble Minister in his reply has stated that he was not willing to publish in the interest of the society the proportion of money spent on advertisement through Muslim papers. Sir, I have not asked regarding all the Muslim papers. I have mentioned the names of two specific papers, namely, the "Azad" and the "Mohammadi." I do not think there can be——

Mr. SPEAKER: It does not arise out of the question.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether any sum was spent on "Mohammadi" or "Azad?"

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the names of the papers in which advertisements were published and the particular amount for the particular paper that was sanctioned?

Mr. SPEAKER: You put your questions one after another.

Mr. ATUL KRISHNA GHOSE: Sir, let the Hon'ble Minister reply to my first question.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have mentioned one paper, namely, the co-operative journal "Bhander", and have also indicated that on ceremonial occasions, advertisements are also published in other papers.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if we are to understand that "Bhander" is the only journal in which the whole amount of Rs. 3,000 has been spent?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what other papers receive advertisement?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: For details I must ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if the "Mohammadi" or the "Azad" has received any advertisement whatsoever?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry, I cannot give the details.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state what is the interest and in what way the interest of the society would be affected if a full disclosure is made?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The customers of articles belong to all communities including Hindus and Muslims and the directors feel that it is to serve the interests of all the communities that advertisements should be properly made. So far as details are concerned, it is against the interest of the society itself to disclose them.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Complaints against the South Calcutta Co-operative Credit Society, Limited.

268. Mr. SATYA PRIYA BANERJEE: (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that Babu Nibaran Chandra Guha of 54, Sadananda Road, Kalighat, on the 19th June, 1937, complained in writing to the Joint Secretary of the Department denying his—

(1) membership of the South Calcutta Co-operative Credit Society, Limited, and

(2) execution of any bond to the society or its repayment on the 16th August, 1936;

(*ii*) that he therein explained his connection with the society as having originated with certain transactions of the firm of Messrs. Begg Dunlop & Co.;

(*iii*) that the said Nibaran Babu urged for a sifting enquiry into the alleged falsification of accounts, forgery and criminal misappropriation in the society; and

(*iv*) that the said Nibaran Babu alleged collusion of departmental officers?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, was taken on the complaints referred to above?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The honourable member is referred to the answer given to starred question No. 544 put by Mr. Satya Priya Banerjee on the 7th July, 1939.

Dr. NALINAKSHA SANYAL: With reference to the answer referred to in the reply, will the Hon'ble Minister be pleased to state what are the relevant papers submitted to the court in connection with the records of the society from which information is required?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would only refer the honourable member to the answers that I gave to some of the supplementary questions on that date in which I indicated that the society informed us that all account books and other papers dealing with the questions had been pending with the court.

Dr. NALINAKSHA SANYAL: Sir, I ask for your protection in this matter. The question relates to an application or rather petition by a certain gentleman sent to a Government Officer and that petition and the action taken thereon is the subject-matter of the enquiry. Will the Hon'ble Minister be pleased to state if that petition and the action that Government took thereon is now in the possession of the court?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am extremely sorry that I have not got the details before me. I do not know to what matter my honourable friend is referring.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that Babu Nibaran Chandra Guha of 54, Sadananda Road, Kalighat, had sent to the Joint Secretary of the Co-operative Department a petition detailing certain complaints referred to in the question?

I beg to submit that the Hon'ble Minister in charge wanted us to refer to a particular reply, but he himself is not ready with the reply as is his usual practice and is trying to delude us as he is trying to delude himself.

Mr. SPEAKER: That is why you should never try to delude anybody. (Laughter.)

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am extremely sorry that I have not got anything about this particular petition in my file.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that Babu Nibaran Chandra Guha's application has not been submitted to the court or any matter in connection with the application is not a matter which is *sub judice*?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that after that application was sent, an enquiry was held and a particular officer of the department, Mr. Suresh Ganguly, made an enquiry into the allegations contained in the application?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of it.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister, when the question was sent to him, ought to have been completely prepared with the answer as to what action Government took. If he is not aware, it is not my fault. He may say "yes", or "no". I would like to know whether the Hon'ble Minister is prepared with a complete answer in connection with this question?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If all the details are wanted I must have time to find all those things. The details are not here.

Dr. NALINAKSHA SANYAL: If the Hon'ble Minister treats the questions by the members of the Legislature like this, I seek your protection.

Mr. SPEAKER: What is the question of the 7th of July and what is the reply?

Dr. NALINAKSHA SANYAL: The reply is this that all the relevant papers and records of the society are before a court of justice. The information asked for is not available.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: There is something more.

Dr. NALINAKSHA SANYAL: I beg to submit that this question does not relate to any matter before any court; it relates to a petition sent to the Government and the action Government might have taken in this connection.

Mr. SPEAKER: You can ask specifically as to whether the application is before the court or not?

Dr. NALINAKSHA SANYAL: My first question was to that effect.

Mr. SPEAKER: What was the reply?

Dr. NALINAKSHA SANYAL: The reply was that he did not know.

Rai HARENDRA NATH CHAUDHURI: He has not come out with a reply.

Dr. NALINAKSHA SANYAL: The answer refers to the papers of the society, but this application is not certainly a paper of the society. We would like to have a reply.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All that I can say is this that the conduct of this society has been called in question before a court and all the papers in this connection have been submitted to the court. I am, therefore, unable to reply to this question without those papers.

Dr. NALINAKSHA SANYAL: My question, as you will read from the printed list, refers to a particular petition sent to the Joint Secretary of the department and question (*b*) demands an answer as to what action, if any, was taken on the complaints referred to in that petition. I want only to know what the Government department have done; I do not want anything about the society at the present moment and the Hon'ble Minister has admitted that that portion is not *sub judice*.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That was in reference to the activities of the society and whatever action was taken with reference to the society. The papers relating to this are with the society and they say that as the court called for the papers they were compelled to surrender them.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, are you satisfied with this reply?

Rai HARENDRA NATH CHAUDHURI: It is not a question of being satisfied with the reply. The question is whether you have been able to make anything out of the reply.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think these remarks are fair at all. The petition relates to certain things that have taken place in the society. To be able to verify and to report whether these things are correct or not, it is necessary that the society's papers must be inspected. The society's papers are in the court. Therefore, it is not possible to give a reply unless and until these papers are returned. I think the answer is absolutely clear and relevant.

Mr. SPEAKER: I am glad Sir Nazimuddin has explained the matter, but I think in the circumstances the proper reply should have been either Government has received the letter or has not received the letter, and the basis of the allegation in that letter could not be ascertained in view of the fact that the papers are in the court.

Dr. NALINAKSHA SANYAL: I would like to know on what date the papers have been submitted to the court, because the date of the application is 9th June, 1937—two years ago. Our difficulty is that for two long years the petition which was submitted to Government and which was certainly dealt with in the manner in which Government pleased has not been disposed of. The only question is what action Government has taken. May I know on which date the papers referred to have been sent to the court?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I do not know the exact date when these papers were sent.

Dr. NALINAKSHA SANYAL: About what time; about what period?

(No reply.)

Dr. NALINAKSHA SANYAL: Is it a fact that it was sent only about six months back.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It was sent from the society to the court. Government had nothing to do with it.

Dr. NALINAKSHA SANYAL: Is it a fact that these papers were sent to the court only about a fortnight back and that after the receipt of the question by the department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not know it.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I wanted to know whether the Hon'ble Minister had any information on which he could deny this statement.

Mr. SPEAKER: He says that he has no information to deny this fact.

The Hon'ble Khwaja Sir NAZIMUDDIN: The matter is obvious. The Hon'ble Minister cannot have any information, because the society, even if we accept Dr. Sanyal's contention, sent the papers to the court and sent Government a reply saying that the papers had gone to the court. How can the Hon'ble Minister know all the details?

Dr. NALINAKSHA SANYAL: From the Cabinet's point of view Sir Nazimuddin has put forward an argument, but I think he is arguing a very bad case. May I know from Sir Nazimuddin——

Mr. SPEAKER: That remark is applicable to many of us.

Dr. NALINAKSHA SANYAL: This question relates to an application sent to the Government, to a department of Government, as early as 19th June, 1937. The papers of the society are not at all relevant to this question. What action Government has taken in connection with the subject-matter of the question?

Mr. SPEAKER: Your point, I understand, is that in view of the fact that the application was sent on the 19th June, 1937, you want information from Government as to whether since then till the date on which the papers were sent any steps were taken or not.

Rai HARENDRA NATH CHAUDHURI: Exactly so.

Mr. SPEAKER: I hope, Mr. Mullick, you will make it clear. He says——

(At this stage Mr. Atul Krishna Ghose interrupted.)

Mr. SPEAKER: Order, order. Mr. Ghose, your conduct is hopelessly unparliamentary. I am surprised to see the growth of a tendency of speaking when I am on my legs. You are also speaking when I am addressing the House and thus you are entirely obstructing the proceedings of this House. If this thing occurs in the next session, I will have no other alternative but to turn you out of the House.

The point, as Dr. Sanyal says, is that this application was sent on the 19th of June, 1937. The question is whether since then till the date on which the papers were sent to the court, any steps were taken by the department.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: For a specific reply I must have notice.

Mr. SIBNATH BANERJEE: I would like to hear what was the remark made by the Speaker to Mr. Ghose.

Mr. SPEAKER: I refuse to give an explanation.

Mr. SIBNATH BANERJEE: I want no explanation, Sir, but information.

Mr. SPEAKER: Order, order.

Mr. ATUL KRISHNA GHOSE: What remarks did I pass, I myself do not know, to warrant such a warning from you, Sir?

Mr. SPEAKER: It is not a question of remarks. When I was trying to explain a question put by your party there were interruptions from you and you were talking to the Hon'ble Minister from that side in a manner which could never be supported. You can very well understand that when I am trying to explain a question which has been put from your side, any interruption from you is not in consonance with what is required of a member of this House.

Mr. SARAT CHANDRA BOSE: May I request you to consider whether the expression which slipped through your lips that you would turn a member out is proper?

Mr. SPEAKER: I am sorry for it. It was slightly more than it should have been.

Dr. NALINAKSHA SANYAL: With reference to the answer which has been given by the Hon'ble Minister that he wants notice regarding Mr. Suresh Ganguli's report, will the Hon'ble Minister be pleased to state if he will at the same time enquire whether the allegation referred to in question (*a*)(*iv*), viz., that there was some collusion of departmental officers was reported or not?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If my honourable friend desires, I shall certainly look into it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he will enquire if Maulvi Bedar Bux, Auditor and brother-in-law of the Registrar, is the officer referred to?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry, Sir, I could not say that.

Affairs of South Calcutta Co-operative Credit Society, Ltd.

268A. Mr. DHIRENDRA NARAYAN MUKERJI: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit Department be pleased to state whether two officers of the Co-operative Department were suspended out of the encashment and accounting in the Bengal Co-operative Officers' Credit Bank, Limited, of a crossed cheque of Rs. 2,500, dated the 1st February, 1935, drawn on the Bengal Central Bank, Limited (Harrison Road Branch), by Mr. Kailas Chandra Chakravarti in favour of the South Calcutta Co-operative Credit Society, Limited?

(*b*) Did the proceeds of the encashment of the cheque reach the payee society?

(*c*) If so, how and when?

(*d*) If the proceeds of the cheque did not reach the payee society what steps have been taken in the matter?

(*e*) Did the Bengal Co-operative Officers' Credit Bank, Limited, invest Rs. 500 or any other sum in December, 1935, in the South Calcutta Co-operative Credit Society, Limited?

(*f*) If so—

(*i*) when; and

(*ii*) whether it was done with the sanction of the Registrar?

(*g*) If the sanction of the Registrar was not obtained what are the reasons?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The honourable member is referred to the reply given to Starred Question No. 543, put by Mr. Satya Priya Banerjee on the 7th July, 1939.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in connection with which particular case the files referred to have been sent to court and to what court?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: In connection with a suit that has been brought against the society by one of the depositors, all these papers have been submitted to the court.

Dr. NALINAKSHA SANYAL: Here the allegation is about two officers of the Co-operative Department having encashed from the Bengal Co-operative Officers Credit Bank a crossed cheque for Rs. 2,500. May I enquire if this matter has been brought before the court and these two officers concerned have been proceeded against criminally?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The subject-matter, as I find it here, is before the court but not anything against the officers.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state to which court these papers have been sent?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am extremely sorry, Sir, that it is not possible to disclose the name of the court at this stage, but my friend Dr. Sanyal knows which court it is.

Mr. SARAT CHANDRA BOSE: The question is mine and I am not concerned with what Dr. Sanyal knows. Surely the Hon'ble Minister ought to be able to tell the House to which court the papers have been sent.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: With regard to the nature of the suit, the suit is by a depositor against the society.

Mr. JOGESH CHANDRA GUPTA: Which court?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: With regard to the name of the court, I feel that it will not be in the public interest and in the interest of the society to disclose the name.

Mr. SARAT CHANDRA BOSE: I submit with great respect to the Hon'ble Minister that the answer is outrageous that it is not to the public interest to state in which court the papers are. I do not know if the Hon'ble Minister realises what he is saying.

Dr. NALINAKSHA SANYAL: It is for you to say, Sir.

Mr. SPEAKER: I hope you will agree that it is for me to intervene only to the extent that answers are brought to the House, but as you know, the Speaker is helpless as to the manner and method in which the answers are given.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state what interests will be affected if information regarding papers being sent to a particular court which holds its sittings in public is given in this House?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, the allegation is against the management of the society.

Dr. NALINAKSHA SANYAL: No, no.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I feel, therefore, Sir, that to disclose anything that affects the suit will not be in the interest of the public.

Rai HARENDRA NATH CHAUDHURI: Even the mention of the name of the court?

Dr. NALINAKSHA SANYAL: Is it a fact that the Divisional Auditor, Burdwan Division, and Vice-President of the Bengal Co-operative Officers' Credit Bank at Writers' Buildings and Circle Inspector, Calcutta, and Secretary of the said Officers' Bank were both suspended in connection with this allegation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I can only mention this that the two officers were implicated in this matter.

Dr. NALINAKSHA SANYAL: Sir, my question was definite: were these two officers under suspension?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, they were.

Dr. NALINAKSHA SANYAL: Is it a fact that one was suspended on the 7th July, 1937, and the other was suspended on the 21st November, 1937?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am sorry I cannot give the exact dates.

Dr. NALINAKSHA SANYAL: Is it a fact that the Hindu officer was suspended 4 months earlier than the Muslim officer?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already stated that I have not got the exact dates.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long did these suspensions continue?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, till the enquiry against them was finished.

Dr. NALINAKSHA SANYAL: When was the enquiry finished and what was the enquiry?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I cannot give the exact date when the enquiry was finished, but the result was that nothing wrong was found in the conduct of these two officers.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state whether he is prepared to change places with Dr. Nalinaksha Sanyal?

Mr. SPEAKER: You don't want me to reply to it!

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the enquiry conducted in this connection revealed completely the guilt of these two officers and that they were made to refund the amount involved?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister said that they were found "not guilty" and therefore this question arises for eliciting further information.

Mr. SPEAKER: I think he has given a clear answer.

Dr. NALINAKSHA SANYAL: My question was whether a crossed cheque for Rs. 2,500 was encashed by these two officers and taken away by them.

Mr. SPEAKER: You can ask that specifically.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether in the course of the findings the encashment of a crossed cheque for Rs. 2,500 was found to be a fact as mentioned in the question?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not think so.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that his answer is completely beyond the facts?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state the basis of his answer?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The basis of my answer is the report of the enquiry.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to place a copy of that enquiry report on the table?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That being a departmental matter it is treated as confidential and the report cannot, therefore, be placed on the table.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be prepared to show the report to the Hon'ble Speaker so that he may find out if the statement made by him is correct?

Mr. SPEAKER: I refuse to see it.

Dr. NALINAKSHA SANYAL: Sir, the Hon'ble Minister is making a lying report.

Mr. SPEAKER: You cannot say that.

Mr. ABDUR RAHMAN SIDDIQI: May I rise to a point of order, Sir? May I know whether the honourable member is justified in calling it a lying report?

Dr. NALINAKSHA SANYAL: I substitute the word "inaccurate" for "lying".

Mr. ABDUR RAHMAN SIDDIQI: I am in possession of the House. Mr. Speaker, Sir, I want to know if the adjective that he has used is in proper form.

Mr. SPEAKER: That is why I said immediately that he was not in order.

Discussion on Jute Ordinance.

Mr. SIBNATH BANERJEE: On a point of information, Sir. In the beginning of this session when the Jute Ordinance question was raised, we were assured that a day would be fixed for its discussion, but it has not been done so far. May we know whether that assurance is going to be put into effect?

Mr. SPEAKER: I am sure you were not present on the occasion when I gave my decision on that question. I decided on the legal

issue, and said, so far as that is concerned, a motion of that character in connection with the Jute Ordinance was not in order. I also said that if a suitable motion were tabled, I might have no objection to it. More than that I cannot say at present.

Mr. SIBNATH BANERJEE: Sir, my submission is that regarding the adjournment motion I know that was your ruling, but on that occasion the Hon'ble the Chief Minister assured us that a day would be fixed for its discussion.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I submit it is the constitutional right to have an Ordinance passed by the Governor placed before this House. The Minister concerned has deprived this House of its constitutional right of having the Jute Ordinance placed before it at the earliest possible opportunity. May we know what protection this House can get against this sort of circumventing a constitutional provision by the Minister?

Mr. SPEAKER: Mr. Dutta Mazumdar, I am very glad that you have raised this point. I believe you realise that in all matters political, just as there is a political duty, there is also a constitutional responsibility. I take it that it is a constitutional responsibility of the members to come to the House in time to hear what decisions are taken. I have given my ruling on this point long before and I hope that will completely satisfy you, Mr. Dutta Mazumdar, if you will only go through it.

Privilege motion.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that this Assembly is of opinion that Government should take necessary steps to ensure freedom of movement of members of the Legislature in the province of Bengal, specially in their respective constituencies.

This motion I have claimed to be a privilege motion because, Sir, you have in the draft Privilege Bill provided something of a similar nature. My motion relates to something so fundamental that I hope this will be adopted by all sections of the House without any opposition. It affects the rights and privileges of each and every individual member of this House, as much of those in the Opposition as of the members of the Coalition Party, and on the face of it, it might appear to be so fundamentally axiomatic that probably a motion of this character would appear wholly unnecessary. The circumstances that have rendered it otherwise may, however, be stated very briefly.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. I believe, this is a privilege motion; and, if so, I move that it be referred to the Privileges Committee without a speech.

Dr. NALINAKSHA SANYAL: Sir, the question is that there are certain important matters of privilege which are being constantly infringed. In this connection I think——

Mr. SPEAKER: I hope, Dr. Sanyal, you will be very brief.

Dr. NALINAKSHA SANYAL: Sir, I will only place certain facts which have compelled me to move this motion, and I do not understand why the Hon'ble the Home Minister is so anxious to avoid a debate or discussion on a matter of such character unless it is in public interest.

Mr. FAZLUR RAHMAN: On a matter of procedure, Sir. It is a convention of this House that if a member moves a privilege motion, it has to be sent to the Committee of Privileges and does not require any speech in support of that. Only, as you have said, he might make an explanatory statement, nothing beyond that.

Mr. SPEAKER: I have asked Dr. Sanyal to give only a brief explanatory statement and I hope he will be really brief. Immediately after that I will call upon Sir Nazimuddin to speak.

The Hon'ble Khwaja Sir NAZIMUDDIN: This is a question of principle, Sir. I want to be clear about it. Since we do not know what privileges are being infringed, is it permissible for anybody to bring in a motion like this and debate on it? I admit that the motion can be moved as a privilege motion which will then go to the Privileges Committee where it will be decided whether it is a privilege motion or not. The subject-matter is extremely debatable as to whether it is——

Mr. SPEAKER: I do not know, but I know of precedents where books not available from the Library are matters for a privilege motion. In any case, I do not want to have a debate except a statement as to why he wants to have this motion taken up. If Dr. Sanyal is not allowed to make an explanatory statement in this House, the Privileges Committee will be deprived of knowing the reason as to why he wants this matter to be considered. But he cannot certainly make any detailed reference; and if there is an individual occurrence, he cannot discuss that also.

Dr. NALINAKSHA SANYAL: Sir, I was inclined to make a very brief observation in connection with my motion, but unfortunately

after the attitude that has been taken by the Hon'ble the Home Minister and his supporters, I feel that it would be stultifying the privileges of this House itself if we accept the so-called convention, and when that convention was created, I do not know—the convention that a motion involving important matters like the rights and privileges of this House should be at once referred to the Committee and not debated upon in this House.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. This is most important, and under the circumstances I object to the moving of this resolution altogether, because it creates a very dangerous practice that any motion can be brought as a privilege motion without being established as to whether it is a privilege motion or not.

Mr. SPEAKER: I think, Sir Nazimuddin, you can rest assured that in a matter like this the Speaker has to decide as to whether the motion is a privilege motion or not. In the Privilege Bill itself there is something like that touching the question of future privileges. If the argument is that there can be no motion of privilege like the present one on the ground that such privileges are not existing, you will never be able to discuss what may be claimed in future to be a matter of privilege. So, if we want to have a right which we have not at present, a motion of this nature should be discussed briefly before it is referred to the Privileges Committee. Whether that right will be given or not is certainly for the House to consider. As I have already said, there will be only one short speech by Dr. Sanyal without any reference to any incident whatsoever except generally as to why he thinks this motion is necessary in the interests of the members of this House.

Dr. NALINAKSHA SANYAL: Sir, I will certainly bow down to your ruling with the submission that it might be a matter of convenience for this particular date, but it might not be stated as a convention created in this House.

Mr. SPEAKER: I shall consider that.

Dr. NALINAKSHA SANYAL: Sir, I submit that it is not a question of consideration. When you give your ruling we shall be glad to know the particular rule under which you are giving the ruling in this particular matter. The Hon'ble the Home Minister has raised an important question of principle. I would like to know from him under what rule he has raised his point of order. I submit, Sir, that he has no rule to back him up.

Mr. SPEAKER: Will you speak now on the motion?

Dr. NALINAKSHA SANYAL: Yes, Sir. I submit, Sir, that this motion arises out of an adjournment motion that was given notice of—an adjournment motion which could not be moved as the Hon'ble the Speaker did not think fit to give his consent. Thereafter, as this question involved certain rights of members of the Legislature, I had to bring it up as a privilege motion. The subject-matter of this motion is very simple. I will read out the written statement which was submitted in connection with the adjournment motion, which will make the position very clear. It runs thus: "On the 5th and 6th July last notices have been served on Mr. A. M. A. Zaman, M.L.A., Mr. Sibnath Banerjee, M.L.A., and Mr. Syed Nausher Ali, M.L.A., and others under orders, dated the 5th July, 1939, of the District Magistrate of Hooghly prohibiting them from entering into the jurisdiction of Bhadreswar police-station and from taking part in any public or private meeting of any sort within the area for a period of two months. The area in question is within the constituency of Mr. A. M. A Zaman, and he happens to be closely associated with Labour organizations and Congress institutions there. As such Mr. Zaman is required to stay there and meet workers in connection with various matters including those of office routine. The election of Congress Primary Committee in the area takes place by the 15th July, and the reports of the trade unions of which Mr. Zaman is the Secretary have to be submitted by the 31st July. The other Assembly members mentioned are also intimately associated with Labour and peasant welfare work. An executive order of the District Magistrate, which is not in connection with any *sub judice* case, not only infringes the civil liberties of citizens generally but also interferes with the legitimate privileges of members of the Legislature to move about freely in the province."

Hence this privilege motion is moved. I will now read out the actual order itself——

Mr. SPEAKER: That is not necessary.

Dr. NALINAKSHA SANYAL: Sir, it is only a question of fact.

Mr. SPEAKER: It is not necessary to read it. It is not necessary for you to read the details. All that we have to be satisfied with is that it is a matter of privilege.

Dr. NALINAKSHA SANYAL: But in order to develop my points, I submit, Sir, that it is necessary.

Mr. SPEAKER: No, it is not necessary.

Dr. NALINAKSHA SANYAL: It will show that an absurd order of that character could never be passed by a judicial officer.

Mr. SPEAKER: That does not arise here.

Mr. SANTOSH KUMAR BASU: On a point of order, Sir. Can it not be argued that this order constitutes an infringement of the privileges of the members of this House?

Mr. SPEAKER: That is a separate matter. If you raise the question of infringement of the privileges of members of this House, you will have to bring in a separate motion.

Mr. SANTOSH KUMAR BASU: So far as Dr. Sanyal's motion is concerned, this motion is necessary to ensure freedom of movement of members of the Legislature. Now an officer of the Government has passed an order which constitutes an infringement of the right of freedom of movement and therefore——.

Mr. SPEAKER: Is there any such right?

Dr. NALINAKSHA SANYAL: That is an inherent right, Sir, as the Speaker has some inherent rights.

Mr. SPEAKER: I am sorry, I don't think so.

Mr. SANTOSH KUMAR BASU: Are we to understand, Sir, that a member has no such right?

Mr. SPEAKER: That is a fact which has to be established.

Mr. SANTOSH KUMAR BASU: I submit, Sir, that this order itself shows that.

Mr. SPEAKER: The Privileges Committee will consider that.

Mr. SANTOSH KUMAR BASU: How can they consider it if this order is not placed before the House?

Dr. NALINAKSHA SANYAL: This order, Sir, is an order of the District Magistrate. It is not defamatory and it does not refer to anything which can be considered to be unparliamentary. I will not take much time of the House to read it; I shall simply read it out.

Mr. SPEAKER: Dr. Sanyal, I am following a principle, and it is on that principle that I have tried not to restrict the debate. If you read the order, it will be discussing the order of a Magistrate which is entirely irrelevant in this case. You have given the details, and that is quite enough for your purpose. If you have got any other argument as to why you consider it necessary to bring in a privilege motion you can develop your points on that, but it is not necessary at all to read the order of the Magistrate.

Dr. NALINAKSHA SANYAL: All right, Sir. I submit, Sir, that any member of this Legislature who means to serve his constituency and the province properly has got to go to his constituency, meet the rate-payers and the other people of the area, ascertain their views, try to educate them in different matters and thereby create a healthy spirit of citizenship, which is so much needed under democracy. If as of old, members remain cut off from their constituencies and society generally, they cannot possibly reflect the desires and demands of the public properly as they ought to do under a democratic Government. As you are all aware, Sir, Hon'ble Ministers themselves have felt it necessary to go about from one part of the country to another not merely to do any administrative work there, but generally to investigate into questions of public importance and to mix with the people and meet them and discuss various matters of public interest. As such it is only fair and necessary that members of the Legislature should also be given similar freedom of movement.

It may be argued, Sir, that the presence of a particular member in a particular place or in a particular jurisdiction may lead to excitement. Similarly, it may be argued—and it may be proved to be a fact—that the presence of certain Hon'ble Ministers also leads to excitement and may lead after excitement to certain matters which have to be dragged into courts of law as was demonstrated in the case of Pabna.

It has been proved that when certain members of certain political organizations go about they have some amount of following in that area who flock around and meet them and discuss various questions. If merely the matter of meeting frightens executive officers, then, Sir, I submit no popular Government can possibly run. I submit, Sir, that in this particular order private and public meetings of any kind whatever have been banned and honourable members have been ordered not to enter into a particular zone as a whole, although, Sir, the High Court in their wisdom have definitely given a ruling that the use of section 144 in such cases was never contemplated. In fact, section 144 can be utilized only for a specific place and a particular purpose.

Mr. SPEAKER: I am afraid, Dr. Sanyal, you are not speaking on your privilege motion. You are only discussing section 144.

Dr. NALINAKSHA SANYAL: I submit, Sir, that such weapons have been used to infringe the privilege of members—a privilege to move about freely in their respective constituencies. In general, I submit, Sir, that when a member is elected to this House, the member has got not merely his own constituency in the particular locality to account for, but he has also to look after the interests of the whole province and, therefore, I have claimed that Government should see that a member of the Legislature may freely move about without hindrance throughout the length and breadth of this province. I have thereafter submitted as a very special case that in particular the freedom of movement in the particular constituencies of members which under no circumstances could be doubted to be a valuable privilege and a necessity—that privilege may not be infringed. If Government feel that there is any overt criminal act that is likely to take place, Government have weapons enough—law empowers them with sufficient authority—to intervene and to take such legal steps as they may think necessary. But before any such things happen, it is extremely unfair, undignified and absolutely contrary to democratic practice to prevent a member from going to any part which he represents and to any part for the administration of which he has got to take some responsibility. I submit, Sir, that the Government should be pleased to accept my motion, because the motion relates to a very fundamental question of the right of a member, and I also hope and claim that every one of this House will lend my motion his or her unqualified support.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move as an amendment that this motion be referred to the Privileges Committee.

I shall try to be very brief, as you have directed, in stating my reasons as to why I think that this should go to the Privileges Committee. To begin with, as far as I know, so far the privileges that have been claimed by the members of the Legislature have always been to ensure their freedom to attend meetings of the Legislature. I have not come across any claim that they should be ensured freedom to visit their constituencies even if there is a likelihood of a breach of the peace on account of that visit. Government have all along ensured complete freedom to members to visit their constituencies, but in case where it is definitely felt that the visit of an honourable member may lead to serious breach of the law, then and then only Government officers have taken steps to prevent that visit. As far as that particular member is concerned, if he has got any grievance he can always appear before the officer and show cause why the order should not be cancelled and if he is not satisfied, he has got the right to appeal also before the High Court. So, Sir, there is no reason to believe that the Executive Government can successfully prevent a member from going to his constituency if there is no justification for it——

Mr. SANTOSH KUMAR BASU: A member of the Legislature has no special right apart from other members of the public?

The Hon'ble Khwaja Sir NAZIMUDDIN: Quite. It is always subject to the fact that his visit is not going to lead to a breach of the peace. Therefore, I feel that it should be referred to the Privileges Committee.

Dr. NALINAKSHA SANYAL: What about the Hon'ble Ministers?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the visit of a Minister is likely to cause a breach of the peace and the local officers think so, there is no reason why he should not be prevented from doing so. But I may tell you that Ministers do not behave in that fashion.

The amendment of the Hon'ble Khwaja Sir Nazimuddin that the motion of Dr. Nalinaksha Sanyal, namely, that this Assembly is of opinion that Government should take necessary steps to ensure freedom of movement of members of the Legislature in the province of Bengal, specially in their respective constituencies, be referred to the Committee of Privileges, was then put and agreed to

Message from the Council.

Mr. SPEAKER: We have got a message from the Council. Secretary will read it out.

The Secretary then read out the following message:—

"The Council at its meeting held on the 13th July, 1939, took into consideration and agreed to the Calcutta Municipal (Amendment) Bill, 1939, as settled in the Assembly on the 10th July, 1939."

Infringement of Privilege of the House.

Mr. JOGESH CHANDRA GUPTA: Sir, may I bring to your notice another matter which in our opinion infringes the privilege of this House? You are aware that a Finance Bill was introduced and that it was partly gone into in this House, but that Bill has not been brought either to a conclusion or withdrawn. The report goes that now Government have decided to deal with the matter by executive orders. I am just placing this fact before you to know whether after the introduction of a legislation in this House, without either withdrawing or carrying it to its conclusion, the matter could be dealt with in the executive capacity of the Government. When a Bill is moved in the House, the matter is in possession of the members of the House and whether that legislation should be passed or that legislation should be vetoed

is a matter, I submit, within the privilege of this House. I am referring to this matter because there is the question of additional revenue or the question which possibly will appeal to the majority of the House, viz., of stopping an admitted gambling. A decision one way or the other ought to be taken. I do not want to refer to whispers and rumours about the conduct of this matter. But I only want to know whether the Government are entitled not to proceed in the matter when it is the property of the House and to pass executive orders to continue till the next session of the House or to do whatever they like.

Mr. SPEAKER: So far as the question of privilege of the House is concerned, it is very difficult for me to give an off-hand answer, but as far as I have been able to see to this point, I find that there is no such thing by which I can compel the Hon'ble Ministers to proceed with the Bill, if they do not want to. On the other hand, there is a precedent when a Bill has been passed in the second reading and Government have not moved for its third reading there is that case. In any case, that question I cannot settle until the rules are settled. I will not do anything further in the matter.

Committee of Privileges in the matter of Mr. Abdur Rahman Siddiqi's Allegations.

Mr. SPEAKER: Before the proceedings of the House are brought to a close, I will only refer to the case brought in by Mr. Abdur Rahman Siddiqi which was referred to the Committee of Privileges. Unfortunately, one of the members left India and therefore the report could not be signed, but the decision of the committee—was I think, it is only fair that I should communicate it to the House—that the question brought in by Mr. Abdur Rahman Siddiqi be dropped, in view of the fact that Khan Bahadur Syed Abdul Hafeez who was a very material witness is no more. In view of the report of the committee which I have verbally communicated to the House, namely, that the matter be dropped and not proceeded with, do I take it that it is the pleasure of the House that this matter be not proceeded with? (Nobody rose from his seat.) There being no objection, that matter is dropped. I think, it is only fair that, as Speaker of the House, I should say that in view of the matter being dropped, no blame whatsoever attaches to Mr. Abdur Rahman Siddiqi, so far as that question is concerned.

Before I conclude, I must thank the members for their very long stay in Calcutta. They have been out from the mufassal for a very long time. I can assure the House that this has been a most trying session for us. Possibly the temperature, the length of the session, our nerves—all have been responsible for a little ruffle here and there, but I hope, members will forgive and forget that and go back with the best

of feelings and come back with the best of feelings. They have discharged very responsible duties. I think that something real has been done by this House this session to ameliorate the condition of the people in general. The criticism of the conduct of executive officers here has helped to create a healthy atmosphere. One can have an idea of the amount of work done from the fact that we began in February and end in July; we have had a number of resolutions and our proceedings have run to thousands of pages. Our office has worked under trying circumstances, particularly because during summer they had practically to work the whole of the day in a hut which is only a temporary one, and I am not sure whether that has not affected their working capacity to a certain extent. Still they had to work there day and night. In these difficult circumstances, we had to work. But before I conclude, I have to congratulate the House for one thing, namely, for the unanimity with which they passed the Rules of this House. That shows that if there is an understanding between all parties, how much time can be saved and how much better work can be done.

Prorogation.

Mr. SPEAKER: I have it in command from His Excellency the Governor that the Bengal Legislative Assembly stands prorogued.

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Index to the

Bengal Legislative Assembly Proceedings.

(Official Report.)

Vol. LIV—No. 12—Fifth Session, 1939.

6th, 7th, 10th, 11th, 12th and 13th July, 1939.

[(Q.) Stands for question.]

oduction

Police enquiry on—of a Hindu girl of Chouka, Malda (Q.) p. 24.

bdul Hafiz, Mr. Mirza

Distress in Tangail subdivision due to failure of crops (Q.) p. 125.

Staff and students of Government Commercial Institute, Calcutta, during last five years. (Q.) p. 211.

bdul Latif Biswas, Maulvi

Sub-letting of spare rooms of Government Commercial Institute Buildings to outsiders (Q.) p. 181

bdul Majid, Mr. Syed

Strength of ministerial officers in the offices under Deputy Inspector-General, Intelligence Branch (Q.) p. 13.

bdur Rahman Siddiqi, Mr.

Adjournment Motion pp. 133, 194.

Committee of Privileges in the matter of—'s allegations. p. 261.

bdur Rasheed, Maulvi Md.

Vacancies in the Government Commercial Institute (Q.) p. 80.

by Hossain Sarkar, Maulvi

Calcutta Municipal (Amendment) Bill, 1939: pp. 99, 110-111.

Adjournment Motion: pp. 36, 181.

On hunger strike by political prisoner in Dum Dum and Alipore Central Jails pp 184-209.

Regarding hunger strike by political prisoners pp. 130-136

On situation created due to prohibition of protective work of Kurigram Town from erosion. p. 48.

Adjournment of the House: pp. 66, 121 160, 209, 233

Affairs of South Calcutta Co-operative Credit Society, Ltd.: (Q.) pp. 67 248

Aftab Hossain Joardar, Maulvi

Appointment of non-Bengali stenographers in the Bengal Secretariat (Q.) p. 80.

Agricultural Debtors (Amendment) Bill, 1939

Bengal p. 222.

Agricultural loan

Grant of and gratuitous relief for distressed areas of Kurigram subdivision, Rangpur (Q.) p. 71.

Agricultural loan and gratuitous relief

Distribution of—in flood-affected areas (Q.) p. 128.

Agricultural Produce Markets Bill, 1939

Bengal—: p. 182.

Ahmed Khan, Mr. Syed

Validity of election of Khan Bahadur Anwarul Azim, M.L.A.: (Q.) p. 8.

Alipur Duars Old Civil Station

Enchancement of rent in—: (Q.) p. 14.

Allowance

Grant of -to Assembly staff: (Q.) p. 161.

Travelling and daily -drawn by each of the Hon'ble Ministers. (Q.) p. 221.

Amount of money paid to the Bengal Provincial Co-operative Industrial Society, Ltd.

For publicity and propaganda (Q.) p. 239.

Anwarul Azim, Khan Bahadur, M.L.A.

Validity of election of (Q.) p. 8

Appointment

Of non-Bengali stenographers in the Bengal Secretariat: (Q.) p. 80

Ashrafail, Mr. M.

Relief for the inhabitants of the flood-affected area of Natore subdivision, Rajshahi: (Q.) p. 1.

Assembly staff

Grant of allowance to—: (Q.) p. 161.

Attendance: pp. 1, 67, 161, 210, 233.

Aulad Hossain Khan, Maulvi

Staff of the Tropical School: (Q.) p. 233.

Azahar Ali, Maulvi

Bengalis involved in the recent strikes at Digboi: (Q.) p. 83.

Bakarganj

Commission fees and court guardian fees by the Civil Courts of—in 1937 and 1938. (Q.) p. 217.

Banerjee, Mr. Sibnath

Calcutta Municipal (Amendment) Bill, 1939: p. 121.

Death due to starvation in Narail subdivision, Jessore: (Q.) p. 4.

Increase of the number of cases in the Workmen's Compensation Court and on wages disputes: (Q.) p. 29.

Banerji, Mr. Satya Priya

Affairs of the South Calcutta Co-operative Credit Society, Ltd.: (Q.) p. 67.

Complaints against South Calcutta Co-operative Credit Society, Ltd.: (Q.) pp. 69, 241.

Barma, Babu Premhari

Adjournment Motion. p. 193.

Barma, Mr. Puspajit

Settlement of foreign liquor shops in Calcutta with non-Bengalis: (Q.) p. 24.

Basu, Mr. Santosh Kumar

Adjournment Motion: p. 132.

Calcutta Municipal (Amendment) Bill, 1939: pp. 99, 107.

Bengal Agricultural Debtors (Amendment) Bill, 1939: p. 222.

Bengal Agricultural Produce Markets Bill, 1939: p. 182.

Bengal Assembly Powers and Privileges Bill, 1939: p. 232.

Bengal Jute Ordinance

Allotment of a day for a discussion on—: p. 85.

Bengal Provincial Co-operative Industrial Society, Ltd.

Amount of money paid to the—for publicity and propaganda (Q.) p 239.

Benglis, involved in the recent strikes at Digboi: (Q.) p. 83.

Bill

Bengal Agricultural Debtors (Amendment)—, 1939 p 222.

Bengal Agricultural Produce Markets —, 1939 pp. 182-183.

Bengal Assembly Powers and Privileges—, 1939 p 232

Calcutta Municipal (Amendment) —, 1939, as amended by the Bengal Legislative Council pp 40-48 94-124, 137-160

Biswas, Mr. Rasik Lal

Calcutta Municipal (Amendment) Bill, 1939 pp. 103, 115

Bose, Mr. Sarat Chandra

Adjournment Motion pp 134, 200

On Sir Nazimuddin's statement on hunger-strike at Dum Dum Jail p. 92.

Calcutta Municipal (Amendment) Bill, 1939, as amended by the Bengal Legislative Council: pp. 40-48, 94-124, 137-160.

Cases before Debt Settlement Boards in Murshidabad: (Q.) p. 17.

Chakrabarty, Mr. Jatindra Nath

Adjournment Motion: p. 59.

Grant of agricultural loan and gratuitous relief for distressed areas of Kurigram subdivision, Rangpur: (Q.) p. 71.

Chakrabarty, Babu Narendra Narayan

Adjournment Motion p. 136.

Calcutta Municipal (Amendment) Bill, 1939 p. 138.

Defilement of Kali Mandap of Baniaputty in Serajganj (Q.) p. 179.

Defilement of sacred temple at Rupnai in Pabna (Q.) p. 163.

Chattopadhyay, Mr. Haripada

Adjournment Motion p. 55

Chaudhuri, Rai Harendra Nath

Adjournment Motion p 184.

Chippendale, Mr. J. W.

Calcutta Municipal (Amendment) Bill, 1939 p. 114.

Chouka, Malda

Police enquiry on abduction of a Hindu girl of (Q.) p. 24.

Civil Courts of Bakarganj

Commission and court guardian fees by the— in 1937 and 1938 (Q.) p. 217.

Commercial Institute (Government) Buildings

Sub-letting of spare rooms of—to outsiders (Q.) p. 181.

Commercial Institute (Government), Calcutta

Staff and students of—during last five years. (Q.) p. 211

Commercial Institute

Vacancies in the Government—: (Q.) p. 80.

Commission fees and court guardian fees

By the Civil Courts of Bakarganj in 1937 and 1938 (Q.) p. 217.

Committee of Privileges,

In the matter of Mr. Abdur Rahman Siddiqi's allegation. p. 261.

Complaint(s)

Against South Calcutta Co-operative Credit Society, Ltd.. (Q.) pp. 69, 241.

Conduct

Of an Assistant Sub-Inspector of Khanakul police-station, Hooghly, in connection with a local election. (Q.) p. 84.

Council

Message from the Bengal Legislative , regarding the Bengal Tanks Improvement Bill, 1939 p. 182.

Crops

Distress in Tangail subdivision due to failure of— (Q.) p. 125.

Das, Mr. Monmohan

Calcutta Municipal (Amendment) Bill, 1939 p. 119.

Das, Babu Radhanath

Election of members to the Union Boards in Hooghly: (Q.) p. 78.

Das Gupta, Mr. Khagendra Nath

Enhancement of rent in Alipur Duars old civil station and Western Duars Khas Mahal: (Q.) p. 14.

Das Gupta, Sj. Narendra Nath,

Calcutta Municipal (Amendment) Bill, 1939: pp. 103, 122.

Police enquiry on abduction of a Hindu girl of Chouka, Malda. (Q.) p. 24.

Datta, Mr. Dhirendra Nath

Calcutta Municipal (Amendment) Bill, 1939. pp. 99, 113.

Death

Due to starvation in Narail subdivision, Jessore: (Q.) p. 4.

Debt Settlement Boards

Cases before—in Murshidabad (Q.) p. 17

Realisation of donation from persons instituting cases in—in Gopalpur, Mymensingh. (Q.) p. 127.

Defilement

Of Kali Mandap of Baniaputty in Serajganj (Q.) p. 179.

Of sacred temple at Rupnai in Pabna (Q.) p. 163.

Deputy Speaker (Mr. M. Ashrafali)

Grant of allowance to Assembly staff: (Q.) p. 161.

Digboi

Bengalis involved in the recent strikes at— (Q.) p. 83.

Distress

In Tangail subdivision due to failure of crops: (Q.) p. 125.

Distressed areas

Grant of agricultural loan and gratuitous relief for—of Kurigram subdivision, Rangpur: (Q.) p. 71.

Distribution of agricultural loan and gratuitous relief

In flood-affected areas: (Q.) p. 128.

Division, pp. 63, 151, 207.

Draft rules

Of the Bengal Legislative Assembly as made by the Rules Committee, pp. 223-232.

Dum Dum Jail

Sir Nazimuddin's statement on hunger strike at— p. 88.

Dutta, Mr. Sukumar

Conduct of an Assistant Sub-Inspector of Khanakul police-station, Hooghly, in connection with a local election (Q.) p. 84.

East India Jute Association

Interview of certain members of Board of control of with the Hon'ble Commerce Minister (Q.) p. 31.

Edbar, Mr. Upendra Nath

Non-official visitors in Pirojpur Sub-Jail (Q.) p. 23.

Election

Of members to the Union Boards in Hooghly (Q.) p. 78

Validity of—of Khan Bahadur Anwarul Azim, M.L.A., (Q.) p. 8.

Emdadul Haque, Kazi

Adjournment Motion p. 52

Kurigram protection work (Q.) p. 219.

Enhancement of rent

In Alipur Duars old civil station and Western Duars Khas Mahal (Q.) p. 14.

Fazlul Huq, the Hon'ble Mr. A. K.

Reservation of seats for scheduled castes in certain normal schools: (Q.) p. 210.

Staff and students of Government Commercial Institute, Calcutta, during last five years (Q.) p. 211

Sub-letting of spare rooms of Government Commercial Institute Buildings to outsiders (Q.) p. 181.

Vacancies in the Government Commercial Institute (Q.) p. 80.

Flood-affected area(s)

Agricultural loan and gratuitous relief in (Q.) p. 128.

Relief for the inhabitants of of Natore subdivision, Rajshahi (Q.) p. 1

Ganguly, Mr. Pratul Chandra

Adjournment Motion p. 190

Giasuddin Ahmed, Mr.

Death due to starvation in Narail subdivision, Jessore (Q.) p. 5.

Grant of agricultural loan and gratuitous relief

For distressed areas of Kurigram subdivision Rangpur (Q.) p. 71.

Grant of allowance

To Assembly staff (Q.) p. 161.

Griffiths, Mr. C.

Calcutta Municipal (Amendment) Bill, 1939 p. 46

Gupta, Mr. Jogesh Chandra

Adjournment Motion, p. 133.

Infringement of privilege of the House: p. 260.

Habibullah, the Hon'ble Nawab Bahadur K., of Dacca

Calcutta Municipal (Amendment) Bill, 1939: pp. 40, 97, 152.

Election of member to the Union Boards in Hooghly: (Q.) p. 79.

Hooghly

Election of members to the Union Boards in—: (Q.) p. 78.

Hunger-strike

Sir Nazimuddin's statement on—at Dum Dum Jail: p. 88.

Increase of the number of cases

In the Workmen's Compensation Court and on wages disputes: (Q.) p. 29.

Infringement of privilege of the House: p. 260.

Intelligence Branch

Strength of ministerial officers in the offices under Deputy Inspector-General, —: (Q.) p. 13.

Interview of certain members

Of Board of Control of East India Jute Association with the Hon'ble Commerce Minister: (Q.) p. 31.

Jalaluddin Ahmad, Khan Bahadur Maulvi

Calcutta Municipal (Amendment) Bill, 1939: p. 142.

Jalaluddin Hashemy, Mr. Syed

Calcutta Municipal (Amendment) Bill, 1939: pp. 47, 98, 105-106, 147.

Jalan, Mr. I. D.

Calcutta Municipal (Amendment) Bill, 1939: p. 145.

Jute Ordinance

Discussion on—: (Q.) p. 252.

Kali Mandap

Defilement of—of Baniaputty in Serajganj: (Q.) p. 179.

Khaitan, Mr. Debi Prosad

Calcutta Municipal (Amendment) Bill, 1939: pp. 105-106.

Khanakul Police-station, Hooghly

Conduct of an Assistant Sub-Inspector of—in connection with a local election (Q.) p. 84.

Kundu, Mr. Nishitha Nath

Calcutta Municipal (Amendment) Bill, 1939 p. 137

Kurigram protection work: (Q.) pp. 219, 237.

Kurigram Subdivision, Rangpur

Grant of agricultural loan and gratuitous relief for distressed areas of—: (Q.) p. 71.

Liquor shop

Settlement of foreign—in Calcutta with non-Bengalis: (Q.) p. 24.

Message from the Bengal Legislative Council

Regarding Bengal Tanks Improvement Bill, 1939: p. 182.

Regarding Calcutta Municipal (Amendment) Bill, 1939: p. 260.

Millar, Mr. C.

Adjournment Motion: p. 196.

Ministers, Hon'ble

Travelling allowance and daily allowance drawn by each of the—: (Q.) p. 221.

Mookerjee, Dr. Syamaprasad

Adjournment Motion: p. 198.

Morgan, Mr. G.

Cases before the Debt Settlement Boards in Murshidabad: (Q.) p. 17.

Mozammel Huq, Maulvi Md.

Commission fees and court guardian fees by the civil courts of Bakarganj in 1937 and 1938. (Q.) p. 217.

Grant of allowance to Assembly staff (Q.) p. 161.

Newspapers subscribed by Government Departments situated in Calcutta (Q.) p. 19.

Muhammad Ibrahim, Maulvi

Amount of money paid to the Bengal Provincial Co-operative Industrial Society, Ltd., for publicity and propaganda (Q.) p. 239.

Mukherji, Mr. Dhirendra Narayan

Affairs of South Calcutta Co-operative Credit Society, Ltd.: (Q.) p. 248.

Mukherji, Dr. Sharat Chandra

Kurigram protection work. (Q.) p. 237.

Mullick, the Hon'ble Mr. Mukunda Behary

Affairs of the South Calcutta Co-operative Credit Society, Ltd.. (Q.) pp. 68, 248.

Amount of money paid to the Bengal Provincial Co-operative Industrial Society, Ltd., for publicity and propaganda: (Q.) p. 239.

Mullick, the Hon'ble Mr. Mukunda Behary—*Contd.*

Bengal Agricultural (Amendment) Bill, 1939 p. 222.

Cases before the Debt Settlement Boards in Murshidabad: (Q.) p. 17.

Complaints against the South Calcutta Co-operative Credit Society, Ltd.. (Q.) pp. 69, 242.

Realisation of donations from persons instituting cases in Debt Settlement Boards in Gopalpur, Mymensingh: (Q.) p. 127.

Mullick, Mr. Pulin Behary

Calcutta Municipal (Amendment) Bill, 1939 p. 112.

Municipal (Amendment) Bill, 1939

Calcutta— pp. 40-48, 94-124, 137-160.

Murshidabad

Cases before the Debt Settlement Boards in - (Q.) p. 17.

Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur

Commission fees and court guardian fees by the Civil Courts of Bakarganj in 1937 and 1938. (Q.) p. 217.

Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar

Adjournment Motion: p. 60.

Kurigram protection work: (Q.) pp. 220, 238.

Narail subdivision, Jessore

Death due to starvation in—: (Q.) p. 4.

Natore subdivision, Rajshahi

Relief for the inhabitants of the flood-affected area of—: (Q.) p. 1.

Nazimuddin, the Hon'ble Khwaja Sir

Adjournment Motion: pp. 133, 203.

Bengalis involved in the recent strikes at Digboi: (Q.) p. 83.

Conduct of an Assistant Sub-Inspector of Khanakul police-station, Hooghly, in connection with a local election: (Q.) p. 84.

Defilement of Kali Mandap of Baniaputty in Serajganj: (Q.) p. 180.

Defilement of sacred temple at Rupnair in Pabna: (Q.) p. 164.

Newspapers subscribed by Government Departments in Calcutta: (Q.) p. 19.

Non-official visitors in Pirojpur Sub-Jail (Q.) p. 23.

Police enquiry on abduction of a Hindu girl of Chouka, Malda (Q.) p. 24.

Privilege motion: p. 259.

Scheduled castes employees under Government: (Q.) p. 11.

Statement on hunger-strike at Dum Dum Jail: p. 88.

Strength of ministerial officers in the offices under Deputy Inspector-General, Intelligence Branch: (Q.) p. 13.

Validity of election of Khan Bahadur Anwarul Azim, M.L.A.: (Q.) p. 9.

Newspapers

Subscribed by Government Departments situated in Calcutta: (Q.) p. 19.

Non-official Visitors of Pirojpur Sub-Jail: (Q.) p. 23.

Normal Schools

Reservation of seats for scheduled castes in certain—: (Q.) p. 210.

Oath or Affirmation

Mr. Atul Chandra Sen: p. 1.

Pabna

Defilement of sacred temple at Rupnai in—: (Q.) p. 163.

Pirojpur Sub-Jail

Non-official visitors in—: (Q.) p. 23.

Point of order

Regarding admission of amendments on Bills amended by the Council: p. 40.

Police enquiry

On abduction of a Hindu girl of Chouka, Malda (Q.) p. 24.

Pramanik, Mr. Tarini Charan

Travelling allowance and daily allowance drawn by each of the Hon'ble Ministers (Q.) p. 221.

Privilege of the House

Infringement of p. 260.

Privilege Motion: p. 253.

Privileges Bill

Bengal Assembly Powers and—, 1939. p. 232.

Privileges

Committee of—in the matter of Mr. Abdur Rahman Siddiqi's allegation. p. 261.

Prorogation: p. 262.

Protection work, Kurigram: (Q.) pp. 219, 237.

Raikut, the Hon'ble Mr. Prosanna Deb

Settlement of foreign liquor shops in Calcutta with non-Bengalis: (Q.) p. 25.

Rajibuddin Tarafdar, Maulvi

Distribution of agricultural loan and gratuitous relief in flood-affected areas: (Q.) p. 128.

Realisation of donations from persons instituting cases in Debt Settlement Boards in Gopalpur, Mymensingh: (Q.) p. 127.

Realisation of donation

From persons instituting cases in Debt Settlement Boards in Gopalpur, Mymensingh: (Q.) p. 127.

Relief

For the inhabitants of the flood-affected area of Natore subdivision, Rajshahi: (Q.) p. 1.

Rent

Enhancement of—in Alipur Duars old civil station and Western Duars Khas Mahal (Q.) p. 14.

Reservation of seats

For scheduled castes in certain Normal Schools (Q.) p. 210.

Roy, the Hon'ble Sir Bijoy Prasad Singh

Enhancement of rent in Alipur Duars Old Civil station and Western Duars Khas Mahal (Q.) p. 15.

Distress in Tangail subdivision due to failure of crops (Q.) p. 126.

Distribution of agricultural loan and gratuitous relief in flood-affected areas. (Q.) p. 129.

Grant of agricultural loan and gratuitous relief for distressed areas of Kurigram subdivision, Rangpur: (Q.) p. 72.

Relief for the inhabitants of the flood-affected area of Natore subdivision, Rajshahi: (Q.) p. 2.

Roy, Mr. Dhananjoy

Reservation of seats for scheduled castes in certain Normal Schools: (Q.) p. 210.

Scheduled castes employees under Government. (Q.) p. 11.

Rupnal

Defilement of sacred temple at—in Pabna. (Q.) p. 163.

Sanyal, Dr. Nalinaksha

Adjournment Motion. pp. 48-51.

Calcutta Municipal (Amendment) Bill, 1939 pp. 101, 149.

Privilege motion pp. 253, 255, 258.

Sarker, the Hon'ble Mr. Nalini Ranjan

Appointment of non-Bengali stenographers in the Bengal Secretariat: (Q.) p. 81.

Travelling allowance and daily allowance drawn by each of the Hon'ble Ministers (Q.) p. 221.

Scheduled castes

Employees under Government: (Q.) p. 11.

Reservation of seats for—in certain Normal Schools (Q.) p. 210.

Sen, Mr. Atul Chandra

Calcutta Municipal (Amendment) Bill, 1939 p. 118.

Sen, Babu Nagendra Nath

Interview of certain members of Board of Control of East India Jute Association with the Hon'ble Commerce Minister: (Q.) p. 31.

Serajganj

Defilement of Kali Mandap of Baniaputty in—: (Q.) p. 179.

Settlement of foreign liquor shops

In Calcutta with non-Bengalis: (Q.) p. 24.

Shamsuddin Ahmed, Mr.

Adjournment Motion: pp. 57, 187-190.

Singha, Babu Kshetra Nath

Calcutta Municipal (Amendment) Bill, 1939: p. 140.

South Calcutta Co-operative Credit Society, Ltd.

Complaint against—: (Q.) pp. 69, 241.

Affairs of—: (Q.) pp. 67, 248.

Speaker (the Hon'ble Khan Bahadur M. Azizul Haque, C.I.E.)

Ruling regarding Point of Order on the admissibility or amendments on Bills amended by the Council: p. 42.

Staff and students

Of Government Commercial Institute, Calcutta, during last five years: (Q.) p. 211.

Staff of the Tropical School: (Q.) p. 233.

Starvation

Death due to—in Narail subdivision, Jessore: p. 4.

Statement on hunger-strike at Dum Dum Jail

Sir Nazimuddin's—: p. 88.

Stenographers

Appointment of non-Bengali—in Bengal Secretariat: (Q.) p. 80.

Strength of ministerial officers

In the offices under Deputy Inspector General, Intelligence Branch: (Q.) p. 13.

Strikes at Digboi

Bengalis involved in the recent—: (Q.) p. 83.

Sub-letting

Of spare rooms of Government Commercial Institute Buildings to outsiders: (Q.) p. 181.

Suhrawardy, the Hon'ble Mr. H. S.

Increase of the number of cases in the Workmen's Compensation Court and on wages disputes (Q.) p. 29.

Interview of certain members of Board of Control of East India Jute Association with the Hon'ble Commerce Minister: (Q.) p. 31.

Tamizuddin Khan, the Hon'ble Mr.

Bengal Agricultural Produce Markets Bill, 1939 pp. 182-183.

Staff of the Tropical School: (Q.) p. 233.

Tangail subdivision

Distress in—due to failure of crops: (Q.) p. 125.

Temple

Defilement of sacred—at Rupnai in Pabna: (Q.) p. 163.

Tropical School

Staff of the—: (Q.) p. 233.

Union Boards

Election of members to—in Hooghly: (Q.) p. 78.

Validity of election

Of Khan Bahadur Anwarul Azim, M.L.A.: (Q.) p. 8.

Vacancies

In Government Commercial Institute: (Q.) p. 80.

Visitors

Non-official—of Pirojpur Sub-Jail: (Q.) p. 23.

Wage disputes

Increase of the number of cases in the Workmen's Compensation Court and on—. (Q.) p. 29.

Western Duars Khas Mahal

Enhancement of rent in—: (Q.) p. 14.

Workmen's Compensation Court

Increase of the number of cases in—and on wages disputes (Q.) p. 29.

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